EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

694. A letter from the Acting Secretary of the Interior, transmitting, from Governor Stainback, a copy of Joint Resolution 27 adopted by the Legislature of Hawaii, requesting the Congress of the United States of America to provide funds for transportation of civilian workers to the continental United States; to the Committee on Public Lands.

695. A letter from the President, Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to provide for placing under the Classification Act of 1923, as amended, certain positions in the municipal government of the District of Columbia"; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee of conference. H. R. 2361. Reorganization Act of 1949. (Rept. No. 843). Ordered to be printed.

Mr. SABATH: Committee on Rules. House Resolution 257. Resolution for consideration of H. R. 4009, a bill to establish a national housing objective and the policy to be followed in the attainment thereof, to provide Federal aid to assist slum-clearance projects and low-rent public housing projects initiated by local agencies, to provide for financial assistance by the Secretary of Agriculture for farm housing, and for other purposes; without amendment (Rept. No. 844). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H. R. 5206. A bill to provide for direct Federal loans to meet the housing needs of moderate-income families, to provide liberalized credit to reduce the cost of housing for such families, and for other purposes; to the Committee on Banking and Currency.

By Mr. FERNÓS-ISERN:

H. R. 5207. A bill to amend section 50 of the Organic Act of Puerto Rico; to the Committee on Public Lands.

By Mr. MORRIS:

H. R. 5208. A bill to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and the better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes; to the Committee on Public Lands.

By Mr. PLUMLEY:

H. R. 5209. A bill to authorize the construction of a research laboratory for the Quartermaster Corps, United States Army, at a location to be selected by the Secretary of Defense; to the Committee on Armed Services.

By Mr. RANKIN (by request):

H. R. 5210. A bill to amend the act entitled "An act to establish a Department of Medicine and Surgery in the Veterans' Administration," approved January 3, 1946, to provide for the use of qualified optometrists for out-patient eye care; to the Committee on Veterans' Affairs.

By Mr. JENKINS:

H. R. 5211. A bill to authorize and direct the Secretary of the Army to accept the Croix de Guerre from the Government of France on behalf of the Seventh Armored Division; to the Committee on Armed Services.

By Mr. MARSHALL:

H. R. 5212. A bill to amend section 1154 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. REES:

H. R. 5213. A bill to terminate the war tax rates applicable to the taxes on communications; to the Committee on Ways and Means.

By Mr. RAINS:

H. R. 5214. A bill to amend section 3672 of the Internal Revenue Code relating to requirement of filing notice of lien for taxes; to the Committee on Ways and Means.

By Mr. RANKIN:

H. R. 5215. A bill to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANKIN (by request):

H. R. 5216. A bill to provide more equitable retirement benefits for certain persons appointed to the Department of Medicine and Surgery in the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. SANBORN:

H. R. 5217. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to construct, operate, and maintain certain works in the Columbia River Basin, and for other purposes; to the Committee on Public Lands.

By Mr. HELLER:

H. R. 5218. A bill to provide free postage for hospitalized veterans and for members of the armed forces of the United States; to the Committee on Post Office and Civil Service.

By Mr. HERTER (by request):

H. R. 5219. A bill to provide for the construction of an interocean ship canal of sea-level design connecting the waters of the Atlantic and Pacific Oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. DOUGHTON:

H. J. Res. 276. Joint resolution granting certain extensions of time for tax purposes; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Connecticut, memorializing the President and the Congress of the United States concerning the proposed veterans' hospital in West Haven, Conn.; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H. R. 5220. A bill for the relief of George Lutley Sclater-Booth; to the Committee on the Judiciary.

By Mr. GAMBLE:

H. R. 5221. A bill for the relief of Mrs. Maria Grazia Ricco DiPietro; to the Committee on the Judiciary.

By Mr. HINSHAW:

H. R. 5222. A bill to authorize the President of the United States to present the Distinguished Flying Cross to Col. Roscoe Turner; to the Committee on Armed Services.

By Mr. PATTEN:

H. R. 5223. A bill for the relief of Penelope Corolyn Cox; to the Committee on the Judiciary.

By Mr. ROONEY:

H. R. 5224. A bill for the relief of Mrs. Filomena Siano Sanfilippo; to the Committee on the Judiciary.

H. R. 5225. A bill for the relief of Andrea Rosasco; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1091. By Mr. ELSTON: Petition of Max F. Faass and 38 other residents of Cincinnati, Ohio, urging repeal of the 20-percent excise tax on toilet goods; to the Committee on Ways and Means.

1092. By Mr. RICH: Petition of E. B. McCualg, Harter's Drug Store, Muncy, Pa., and other citizens of Muncy and vicinity, asking repeal of 20-percent excise tax on toilet goods; to the Committee on Ways and Means.

1093. By the SPEAKER: Petition of Government Employees' Council of American Federation of Labor, Washington, D. C., requesting permission for use of the Washington Monument lot in Washington, D. C., on the 14th day of June of each year for the public observance of Flag Day; to the Committee on Public Lands.

1094. Also, petition of Philadelphia District Dental Hygienists' Association, Philadelphia, Pa., requesting Congress not to enact any legislation which will hamper freedom, such as the current proposals for compulsory health insurance; to the Committee on Interstate and Foreign Commerce.

1095. Also, petition of State Medical Association of Texas, Austin, Tex., relative to being placed on record as opposing extension of any form of social security, particularly as applied to the medical profession; to the Committee on Ways and Means.

1096. Also, petition of State Medical Association of Texas, Austin, Tex., favoring repeal of the law governing the provision of medical and hospital care to veterans with non-service-connected disabilities as enacted by the United States Congress in 1940; to the Committee on Veterans' Affairs.

1097. Also, petition of Northeast Boundary Citizens Association, Washington, D. C., requesting passage of legislation conferring home rule on the District of Columbia, as contemplated in Senate bill 1527; to the committee on the District of Columbia.

1098. Also, petition of Mabel Hand and others, Daytona Beach, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1099. Also, petition of J. F. Anstett and others, Orlando, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

FRIDAY, JUNE 17, 1949

(Legislative day of Thursday, June 2, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God our Father, for this hallowed moment, closing the doors to a noisy world full of terror and alarms, we come into this pavilion of quietness and peace to acknowledge our utter dependence upon Thee—Thou who hast made us for

Thyself. Forgive us for smug satisfaction with ourselves and for cynical contempt of others. Purge our minds of prejudices which separate us from our fellow man. Cleanse our hearts of the uncleanness which blinds our eyes to the things that matter most. So may we be more worthy to belong to the one great family of Thy children and to take our place at the common table of humanity, where the bread of fellowship is broken and the wine of sacrifice is shared. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 16, 1949, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed a bill (H. R. 4963) to provide for the appointment of additional circuit and district judges, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 1338. An act authorizing the transfer to the United States section, International Boundary and Water Commission, by the War Assets Administration of a portion of Fort Brown at Brownsville, Tex., and adjacent borrow area, without exchange of funds or reimbursement;

H. R. 5060. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1950, and for other purposes; and

S. J. Res. 55. Joint resolution to print the monthly publication entitled "Economic Indicators."

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Holland	Mundt
Anderson	Humphrey	Murray
Bricker	Hunt	Myers
Butler	Ives	Neely
Cain	Jenner	O'Mahoney
Capehart	Johnson, Colo.	Pepper
Chapman	Johnson, Tex.	Reed
Chavez	Johnston, S. C.	Robertson
Connally	Kefauver	Saltonstall
Cordon	Kem	Schoeppel
Donnell	Kerr	Smith, Maine
Douglas	Kilgore	Sparkman
Downey	Knowland	Taft
Eastland	Langer	Taylor
Ellender	Long	Thomas, Okla.
Ferguson	Lucas	Thomas, Utah
Flanders	McCarran	Thye
George	McCarthy	Vandenberg
Gillette	McClellan	Watkins
Graham	McFarland	Wherry
Green	McGrath	Wiley
Gurney	McKellar	Williams
Hayden	Martin	Withers
Hendrickson	Maybank	Young
Hill	Miller	
Hoey	Morse	

Mr. MYERS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Georgia [Mr. RUSSELL], and the Senator from Maryland [Mr. TYDINGS] are detained on official business in meetings of committees of the Senate.

The Senator from Washington [Mr. MAGNUSON] is absent on public business.

The Senator from Connecticut [Mr. MCMAHON] is absent on official business, presiding at a meeting of the Joint Committee on Atomic Energy in connection with an investigation of the affairs of the Atomic Energy Commission.

The Senator from Maryland [Mr. O'CONOR] is absent on official business, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from Mississippi [Mr. STENNIS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Connecticut [Mr. BALDWIN] and the Senator from New Jersey [Mr. SMITH] are absent because of illness.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from Montana [Mr. ECTON] and the Senator from New Hampshire [Mr. TOBEY] are absent on official business.

The Senator from Iowa [Mr. HICKENLOOPER] and the Senator from Colorado [Mr. MILLIKIN] are in attendance at a meeting of the Joint Committee on Atomic Energy.

The Senator from New Hampshire [Mr. BRIDGES] is detained because of attendance at a meeting of the Committee on Appropriations.

The Senator from Massachusetts [Mr. LODGE] and the Senator from Nevada [Mr. MALONE] are detained because of their attendance at meetings of committees of the Senate.

By order of the Senate, the following announcement is made:

The members of the Joint Committee on Atomic Energy are in attendance at a meeting of the said committee in connection with an investigation of the affairs of the Atomic Energy Commission.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that Members of the Senate may be permitted to introduce bills and joint resolutions, submit petitions and memorials, and present other routine matters for the RECORD, as though we were in the morning hour, without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

Petitions, etc., were presented, and referred as indicated:

By Mr. TYDINGS:

A joint resolution of the Legislature of the State of Maryland; to the Committee on Armed Services:

"Senate Joint Resolution 11

"Joint resolution memorializing the Congress of the United States to oppose the federalization of the National Guard of the United States and the National Guard of the several States, Territories, and the District of Columbia in whole or in part

"Whereas the Secretary of Defense brought into being in 1947 the Committee on Civilian Components, commonly known as the Gray Board, and which Committee was directed by said Secretary of Defense to make a comprehensive objective and impartial study of the armed forces; and

"Whereas said Committee on Civilian Components on June 30, 1948, in its report to the Secretary of Defense, recommended, among other things, that national security required that all services have one Federal reserve force which should be accomplished:

"(a) By establishing the reserve forces of the Army under the Army clause of the Constitution;

"(b) by similarly establishing the reserve forces of the Air Force under appropriate legal authority;

"(c) by incorporating the National Guard and the Organized Reserve Corps into the Army Reserve force under the name of the National Guard of the United States;

"(d) by incorporating the Air National Guard and Air Reserve into the Air Force Reserve force under the name of the United States Air Force Reserve; and

"Whereas on December 15, 1948, the Secretary of Defense recommended to the President of the United States, among other things, the federalization of the Air National Guard and greater Federal control over the personnel, equipment, facilities, and allocation of money to the States; and

"Whereas federalization of the National Guard, in whole or in part, by the organization of a single Federal Reserve force under the Army clause of the Constitution (instead of under the militia clauses of the Constitution as the National Guard is now organized, and under which the sovereign States retain authority for the appointment of National Guard officers and the training of the Guard in time of peace, in accordance with the discipline prescribed by Congress) would violate the principle of States' rights; and

"Whereas the fact that the framers of the Constitution contemplated a standing Army as the only Federal force, is clear from the arguments advanced by Hamilton, who persuaded the States to accept the principle of a standing Army large enough to accomplish the immediate purpose of the Congress only—its size to be controlled by limiting appropriations to a period of 2 years only, with the further agreement that the States would maintain no troops in time of peace other than with the consent of Congress, in exchange for the provision that the Congress would have power to provide for organizing, arming, and disciplining (training) the militia, reserving to the States only the power to appoint officers and the authority to train the militia according to the discipline prescribed by Congress; and

"Whereas complete federalization would violate the principle upon which the States bargained, as above explained, by giving to the Federal Government, in addition to its own standing Army, a part of the militia over which the States would have no control or power whatsoever, instead of the control provided in clause 16, section 8, article I of the Constitution; and

"Whereas nowhere in the Constitution is there any power given to the Federal Government to do other than raise and support armies, and standing armies only were contemplated with no power ever given to the Federal Government to organize and support a Federal militia, and none exists; and

"Whereas federalization of the National Guard as now constituted under the militia clauses of the Constitution, in whole or in part, would not only violate the principle of States' rights but would violate existing agreements between the Federal Government and the sovereign States whereby the States accepted in good faith the allotments made by the War Department in 1945, and have completed the organization of such allotments, insofar as authorized by the Congress and for which funds have been provided; and

"Whereas federalization of the National Guard, Air or Army, as recommended by the Secretary of Defense and the Committee on Civilian Components, would destroy at one blow the National Guard as it now exists and which has rendered exceptional and valiant service to the Nation in two world wars; and in time of peace would impose fantastic costs beyond the ability of the Nation to meet, and would seriously jeopardize our national security and would result in the centralization of all military power in the Federal Government and ultimately in the hands of a few, and thus pave the way for the establishment of a dictatorship, military or otherwise, in this country; and

"Whereas the States would be left without an internal security force and would be compelled to organize and maintain State troops at great cost to the States, with the result that there would thus be maintained a Federal Reserve and State military force, creating a great duplication of effort and expense; while the National Guard, as it is now constituted and controlled, not only furnishes the necessary internal security for the States but, in addition, serves as a component of the Army of the United States and a first line of defense thereof, as provided by the National Defense Act; and

"Whereas the National Guard, both Army and Air, can, under the present National Defense Act, be efficiently and competently supervised as to its training and equipment in time of peace, and in preparation for its prompt use in time of emergency, without resort to federalization, if there is the proper disposition within the Federal authorities to render such supervision: Now, therefore, be it

"Resolved by the General Assembly of Maryland, That the Congress and the President of the United States are hereby memorialized to retain intact the National Guard, Army and Air, as it is now organized under the militia clauses of the Federal Constitution, and thus reserve to the States the controls provided by the Constitution in time of peace and insure that it will be at the disposal of the State in time of peace, and that there will be unity in the armed forces of the Nation at a time when unity is so essential; and be it further

"Resolved, That the secretary of state be and he is hereby directed to send, under the great seal of the State of Maryland, copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President pro tempore of the Senate, the chairmen of the Armed Services Committees of the Congress, and Members of the Maryland delegation in Congress.

"Approved:

"WM. PRESTON LANE, Jr.,
"Governor."

A joint resolution of the Legislature of the State of Maryland; to the Committee on Labor and Public Welfare:

"House Joint Resolution 11

"Joint resolution memorializing the Congress of the United States not to federalize the practice of medicine

"Whereas the American people now enjoy the highest level of health, the finest standards of scientific care and the best quality of medical institutions thus far achieved by any major country in the world; and

"Whereas the great accomplishments of American medicine are the results of a free profession working under a free system unhampered by Government control; and

"Whereas the experience of all countries where Government has assumed control of medical care has been progressive deterioration of the standards of that care to the serious detriment of the sick and the needy: Now, therefore, be it

"Resolved by the General Assembly of Maryland, That the Congress of the United States be and is hereby memorialized not to enact legislation that has been proposed the effect of which will be to bring the practice of medicine in this country under Federal direction and control; and be it further

"Resolved, That the Senators and Representatives from Maryland in the Congress of the United States be and they are hereby respectfully requested to use every effort at their command to prevent the enactment of such legislation; and be it further

"Resolved, That copies of these resolutions be transmitted by the Secretary of State of Maryland, under the great seal of this State, to the President of the United States, to the Presiding Officer of each branch of the Congress, and to the Members thereof from this State."

A petition of sundry members and affiliates of the Baltimore, Md., section of the Society for Experimental Biology and Medicine, praying for the enactment of Senate bill 1703, to provide that unclaimed animals lawfully impounded in the District of Columbia be made available for scientific purposes to educational, scientific, and governmental institutions licensed under this act; to the Committee on the District of Columbia.

Petitions of sundry citizens of the State of Maryland, praying for the enactment of House bill 2428, to prohibit the transportation of alcoholic beverage advertising in interstate commerce; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the Frostburg Lodge, No. 470, BPO Elks, of Frostburg, Md., protesting against the enactment of House bill 2945 and Senate bill 1103, to increase the rates of postage on magazines and periodicals; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

S. 1280. A bill to amend the Federal Airport Act so as to limit to 10 percent any increase of the amount stated as a maximum obligation under a grant agreement; with amendments (Rept. No. 515);

S. 1283. A bill to authorize the Secretary of the Interior to acquire, construct, operate, and maintain public airports in certain areas, and for other purposes; with amendments (Rept. No. 518); and

S. 1285. A bill to authorize progressive partial payments to contractors under the Federal airport program; with amendments (Rept. No. 516).

By Mr. HILL, from the Committee on Appropriations:

H. R. 3082. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1950, and for other purposes; with amendments (Rept. No. 517).

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 17, 1949, he presented to the President of the United States the enrolled joint resolution (S. J. Res. 55) to print the monthly publication entitled "Economic Indicators."

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 2098. A bill for the relief of Fuastino Esmele Eclevia, Purification Esmele Eclevia, and Manuel Esmele Eclevia; to the Committee on the Judiciary.

By Mr. THOMAS of Oklahoma:

S. 2099. A bill to reimburse the Stamey Construction Co. and/or the Oklahoma Paving Co., as their interests appear; to the Committee on the Judiciary.

By Mr. HAYDEN:

S. 2100. A bill for the relief of Penelope Corolyn Cox; to the Committee on the Judiciary.

By Mr. MORSE:

S. 2101. A bill for the relief of Mrs. Nancy Belle Norton; to the Committee on the Judiciary.

By Mrs. SMITH of Maine:

S. 2102. A bill to abolish the commissioned officer grade of brigadier general in the Army, the Air Force, and the Marine Corps; to provide for the classification of major generals of the Army, the Air Force, and the Marine Corps as major generals upper half and major generals lower half; and for other purposes; and

S. 2103. A bill to abolish the classification of rear admirals of the Navy and Coast Guard as rear admirals upper half and lower half; to establish the grade of commodore in the Navy and Coast Guard, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS of Oklahoma:

S. 2104. A bill to direct the Secretary of Agriculture to convey certain mineral interests, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. O'MAHONEY (for himself, Mr. HAYDEN, Mr. MCFARLAND, and Mr. MALONE):

S. 2105. A bill to stimulate exploration for and conservation of strategic and critical ores, metals, and minerals, and for other purposes; to the Committee on Interior and Insular Affairs.

HOUSE BILL REFERRED

The bill (H. R. 4963) to provide for the appointment of additional circuit and district judges, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

FOOD PROBLEMS AND FARM PROGRAMS—ADDRESS BY SENATOR AIKEN

[Mr. MORSE asked and obtained leave to have printed in the RECORD an address entitled "Food Problems and Farm Programs," delivered by Senator AIKEN before the fiftieth annual convention of the National Association of Retail Grocers, Chicago, Ill., June 12, 1949, which appears in the Appendix.]

ADDRESS BY SENATOR ANDERSON AT COMMENCEMENT EXERCISES OF ST. LAWRENCE UNIVERSITY

[Mr. ANDERSON asked and obtained leave to have printed in the RECORD the commencement address entitled "The Amazing Interlude," delivered by him at St. Lawrence University, Canton, N. Y., on June 12, 1949, which appears in the Appendix.]

INCREASED PAY FOR POSTAL EMPLOYEES—STATEMENT BY G. M. HIGLEY

[Mr. LANGER asked and obtained leave to have printed in the Appendix of the RECORD a statement by G. M. Higley, in support of Senate bill 558 and Senate bill 1772, which appears in the Appendix.]

UNITED STATES POLICY WEAKENED BY FAVORITISM—ARTICLE BY EDGAR A. MOWRER

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article entitled "United States Policy Weakened by Favoritism," written by Edgar A. Mowrer, and published in the Philadelphia Inquirer of June 13, 1949, which appears in the Appendix.]

PROPAGANDA AND THE LAW—EDITORIAL FROM THE WASHINGTON EVENING STAR

[Mr. WILLIAMS asked and obtained leave to have printed in the RECORD an editorial entitled "Propaganda and the Law," published in the Washington Evening Star of April 21, 1949, which appears in the Appendix.]

DISPLACED PERSONS LEGISLATION

Mr. WILEY. Mr. President, I received yesterday a very important statement from the Honorable James A. Farley, the Honorable Herbert H. Lehman and Harper Sibley urging action on displaced persons legislation in this session of the Congress. Needless to say, I agree with these gentlemen and with a long and impressive list of cosigners of their communication on the importance of Congress taking action on this humanitarian front.

I wish that there were time to enumerate the many famous American names who joined with these three leaders in sending the communication.

I believe that their appeal merits a favorable response by the Congress. I ask unanimous consent that the text of the letter and the enclosed statement be printed at this point in the CONGRESSIONAL RECORD along with some comments which I have personally made on this displaced persons subject.

NEW YORK, *June 15, 1949.*

The Honorable ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: We are writing to submit to you, on behalf of ourselves and the other sponsors, the enclosed appeal for consideration of displaced persons legislation.

Representatives of the three faiths, President Truman, Governor Dewey, leaders of every group and each party, all have united in sponsoring the amendments necessary to make the Displaced Persons Act of 1948 fair, just and workable. These amendments were introduced into the House by Representative CELLER; into the Senate by Senators MCGRATH and NEELY last January.

The House of Representatives has fully exercised its responsibility by passing the modified Celler bill on June 2. We now, therefore, address this appeal to the Senate of the United States to act on displaced persons legislation before Congress recesses in order that displaced persons may be permitted to come here under a sound and equitable law of which Americans may be proud.

We are grateful to you for your consideration and help in this matter which lies so close to the conscience of all of us.

Sincerely yours,

JAMES A. FARLEY.
HERBERT H. LEHMAN.
HARPER SIBLEY.

Today silent people wait on both sides of the Atlantic. Today is the time for them to speak, and yet no voice is heard.

In Europe the silent people are the displaced persons—hundreds of thousands of dispossessed people. They are the ones who were uprooted and carried off as slave labor by the Nazis. They are the ones who fled before bloody pogroms. They are the ones who escaped the fury of communism.

Four years after the end of the war their hands still remain lacerated against the barbed wire of their existence, their hearts still torn by an eternity of waiting. They have no voice; their silence is poignant and accusing.

In America the voice of the people has called out to help the displaced persons.

But the Senate of the United States—an officially chosen voice of the American people—has remained silent. Unless the Senate will speak, the net result is a silence which becomes the shame of all Americans.

Last January a measure was introduced into the Senate—the McGrath-Neely bill, S. 311. This bill amends the Displaced Persons Act of 1948—an act which thinking men and women of all faiths and parties and walks of life have condemned as unworkable, ungenerous, and unjust.

Though many months have passed, the McGrath-Neely bill still stands in the Senate, waiting behind a barrier of red tape and cold indifference, as do the very people it was designed to rescue. This bill needs only action to become alive.

In the spirit of our honored past, in the name of those who have made our country great, in the name of human conscience, we respectfully ask the Senate of the United States to pass the McGrath-Neely bill now.

We appeal to the Senate to speak with justice and dispatch, so that our Nation may continue to walk with dignity and honor in the eyes of God and man.

COMMENTS BY SENATOR WILEY ON DP LAW

I, for one, feel that—

1. The Nation is looking to us in the Senate to revise the present displaced-persons law at the earliest possible date.

2. There would be a severe wave of regret and disappointment among the American people, and very justifiably so, I believe, if this first session were to lapse without final action being taken on some such legislation as H. R. 4567, which the House passed, or S. 311 with amendments.

3. I, personally, have introduced liberalizing amendments to S. 311 in the form of S. 1315, S. 1316, S. 1317. These amendments are designed to move up the eligibility date of DP's to January 1949, to increase the number of DP's, to liberalize the definition of "orphans," to liberalize the definition of "families," etc. My own amendments and S. 311 have been endorsed by the Citizens Committee on Displaced Persons, and by all the leading religious organizations of the United States.

I do, however, feel that while I am in agreement, generally, with H. R. 4567, two features of the House bill should be changed:

1. The feature which mortgages future quotas should be eliminated. This mortgaging works severe hardship on countries with small quotas which would find that their quotas would be used up for many, many decades in the event that the mortgaging feature continues.

2. A second feature which I believe should be changed, is that H. R. 4567 should contain an amendment, so that there is substituted for specific housing and job assurances, a more general assurance to the effect that the alien would not become a public charge. All the leading DP organizations have endorsed such a general provision, feeling that it would help to eliminate a needless administrative obstacle. The fact that a sponsor has to maintain a specific house and a specific job for many, many months for the DP proves a needless burden. American interests can be protected by a more general type assurance.

I know how deeply concerned my colleagues are with the idea of proper screening of the DP's. The DP Commission, has, however, gladly reported that of all the thousands of DP's who have entered our country thus far under the program, not one of them has had to be sent back because of conduct detrimental to this Nation.

I know that my colleagues agree that partisan politics should not enter into this situation. This is a humanitarian theme which is above party, above race, above religion, and which concerns each of us as human beings.

This Nation has grown great because of the waves of immigration that brought worthy folks to our shores. While we must, of course, look after the employment and housing of our own people, I feel that domestic interests can be protected and are being protected in a manner consistent with our humanitarian obligations to these stricken folks in foreign lands.

The world is looking to us for leadership in this subject. If the Senate can promptly pass equitable amendments to the DP law, it will prove a shot in the arm, a stimulus to American foreign policy. It will antidote Red propaganda which tries to picture us as a cold-blooded, heartless nation.

I recognize that this is a subject which requires careful analysis from every angle, because we want to be fair to all of the groups and elements involved. For example, I have pointed out that thus far action has been deplorably slow on the admission of expelled persons, and that particular phase deserves our most sympathetic attention.

WISCONSIN AS PORTRAYED BY THE MAGAZINE HOLIDAY

Mr. WILEY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief statement prepared by me relative to the July issue of the magazine Holiday, containing a write-up of my State of Wisconsin.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, the other day I sent to each of my colleagues in the Senate a copy of the beautiful July issue of the Curtis Publishing Co.'s magazine Holiday. This issue contains a lavish write-up and color display on the State of Wisconsin, and in particular the city of Milwaukee. My colleagues have responded most graciously to this issue and have indicated how much they admire this issue, particularly the brilliant color illustrations.

There are some paragraphs in the write-up to which I personally take exception, and which I feel my colleagues will. Nevertheless, I am glad to refer this issue of Holiday to the folks of America, particularly in this season of the year when vacations are at hand, and so many hundreds of thousands of people are laying plans for spending their summer in America's dairyland—the Badger State.

PRINTING OF ADDITIONAL COPIES OF HEARINGS RELATING TO ECONOMIC COOPERATION ACT OF 1948

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 45, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Foreign Affairs be, and is hereby, authorized and empowered to have printed for its use 2,000 additional copies of part I and subsequent parts of the hearings held before said committee during the current session on the bill (H. R. 2362) to amend an act entitled "The Economic Cooperation Act of 1948," approved April 3, 1948.

Mr. HAYDEN. I move that the Senate agree to the concurrent resolution.

The motion was agreed to.

PRINTING OF ADDITIONAL COPIES OF HEARINGS RELATING TO AMENDMENT OF CONSTITUTION

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 57, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on the Judiciary of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of the hearings, held before said committee, on the resolutions entitled "Proposing an amendment to the Constitution of the United States providing for the election of President and Vice President."

Mr. HAYDEN. I move that the Senate agree to the concurrent resolution.

The motion was agreed to.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. LUCAS. Mr. President, will the Chair state what is the amendment pending before the Senate?

The VICE PRESIDENT. The pending question is the amendment of the Senator from Illinois [Mr. DOUGLAS] for himself and the Senator from Vermont [Mr. AIKEN] to the amendment of the Senator from New York [Mr. IVES] to the original text of the bill.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. LUCAS. Mr. President, there is on the calendar Senate bill 2020, order No. 467, reported by the distinguished Senator from Arkansas [Mr. MCCLELLAN] from the Committee on Expenditures in the Executive Departments. It is a bill to simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes. The bill has a deadline, and I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to consider Senate bill 2020.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I ask the majority leader if it is his intention to proceed immediately to the consideration of that bill, or does he propose that the Senate be given an opportunity to vote on the pending amendment prior thereto?

The VICE PRESIDENT. The request of the Senator from Illinois is that the unfinished business be temporarily laid aside and that Senate bill 2020 be taken up for consideration.

Mr. WHERRY. How long does the Senator believe consideration of the bill will require?

Mr. LUCAS. I cannot say to my friend from Nebraska, but I will say that if it requires longer than 10 or 15 minutes, we shall return to the unfinished business.

Mr. MCCLELLAN. Mr. President, I think it may take a little longer than that. The bill is rather important. I hope it will not require a great length of time. I shall not consume much time.

Mr. LUCAS. As I understand, the bill is reported unanimously from the committee of which the Senator from Arkansas is chairman.

Mr. MCCLELLAN. It is reported unanimously. It has already passed the House. There are some minor differences—or perhaps major differences—between the two bills, but I understand, from conferences with members of the House committee, that they will probably accept the Senate amendments.

Mr. LUCAS. I do not desire to hurry the Senator along. Perhaps the 15 minutes which I mentioned is too short.

Mr. MCCLELLAN. I have no objection to being hurried.

The VICE PRESIDENT. Of course, any Senator may demand the regular order at any time, which will automatically bring back the unfinished business.

Mr. WHERRY. Mr. President, I should like to propound another question to the Senator from Arkansas.

Is this the procurement reorganization bill?

Mr. MCCLELLAN. It is.

Mr. WHERRY. As I understand, a similar bill has been under consideration by the Senate committee.

Mr. MCCLELLAN. Yes.

Mr. WHERRY. Does the Senator expect to discuss the Senate bill or the House bill?

Mr. MCCLELLAN. We shall discuss the Senate bill, and when the amendments to the Senate bill are concluded we shall call up the House bill and substitute it for the Senate bill. That is what we hope to do.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois [Mr. LUCAS]?

Mr. IVES. Mr. President, reserving the right to object, I point out that this bill is now in such form that it should meet with agreement in the Senate, with perhaps one exception. Inadvertently a provision in the House bill was omitted from the Senate bill, which should be added to the Senate bill. That matter is being handled by the senior Senator from Vermont [Mr. AIKEN]. So long as that is understood, I have no objection.

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, if this bill is to be considered, I have a very important amendment to offer to it. The bill as drawn affects transportation, and the Committee on Interstate and Foreign Commerce of the Senate has not had an opportunity to study that phase of the problem. We certainly would like an opportunity to study it, because that is our responsibility. I wish to offer an amendment to delete the references to transportation throughout the bill, and I hope the committee will accept it. Of course, I realize that at any time we desire to do so we can call for the regular order, so the matter of unanimous consent is not important; but I want the majority leader to understand that there is very serious objection to some of the provisions in the bill respecting transportation.

Mr. LUCAS. Mr. President, I understand the position of the distinguished Senator from Colorado. Under those circumstances, I shall withdraw my request to lay aside the unfinished business, in the hope that the Senator from Colorado will confer with the Senator from Arkansas with a view to trying to adjust the differences. Perhaps later in the day we can take up the bill. If it is going to take all afternoon with amendments, I do not desire to interfere with the labor bill.

Mr. JOHNSON of Colorado. I cannot predict how long it may take.

The VICE PRESIDENT. The request is withdrawn.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] for himself and the Senator from Vermont [Mr. AIKEN] to the amendment of the Senator from New York [Mr. IVES] to the original text of the bill.

Mr. IVES. Mr. President, as has undoubtedly been noted by Members of the Senate, we now have before us for consideration no fewer than five proposals dealing with emergencies in labor-management disputes which are national in scope and which imperil or threaten to imperil the national health and safety. These proposals range all the way from that which is in the Thomas bill, which seems to me to contain no more than a slight assurance of being sufficient to cope with the problem in question, to the more extreme provisions in the Taft amendment, which would authorize seizure or the injunction, or both.

As I have indicated in previous utterances during the course of this debate, I do not feel that the injunction is an appropriate means by which to attain the results which are sought in the present instance. Neither do I feel that seizure, in and of itself—and, of course, with the implied threat of the injunction—provides a satisfactory method for dealing with emergencies of the type now under discussion. It seems to me that we can and should go further than the proposal contained in the Thomas bill and, at the same time, should avoid the extreme proposals in the Taft substitute. Therefore I have offered a perfecting amendment to the substitute amendment offered by the distinguished Senator from Utah [Mr. THOMAS], and my amendment extends the procedures pertaining to national emergencies beyond the limits which he has set.

Speaking of the proposal of the distinguished Senator from Utah, I feel that the plan in his bill is excellent insofar as it goes, but it does not go far enough. His plan calls for a declaration of national emergency by the President, the appointment of an emergency board, and an over-all cooling-off period of 30 days,

and then virtually drops the matter there, regardless of the seriousness of the situation. It follows, in general, the emergency provisions in the National Railway Labor Act, which, to be sure, have worked for the most part very effectively over the years, but which can, nevertheless, be improved upon, as experience would indicate.

It is because of general recognition that national emergencies of the kind we are now considering call for a wholly integrated and thoroughly comprehensive procedural statutory treatment that the more severe provisions of seizure and the injunction have been and are being proposed and strongly supported by many. In fact, it is for this reason that the national emergency provisions in the Taft-Hartley Act are as they are.

It seems to me that in the formulation of legislation of this character we would do well to give most careful consideration to the main objectives we are seeking to attain.

In this connection I point out what seemed to me to be a very pertinent observation made yesterday by the distinguished junior Senator from Minnesota [Mr. HUMPHREY] when he stated that what he is primarily interested in is finding the method or process or course of procedure by which free collective bargaining itself can be most effective.

I believe it is generally agreed that the objectives in this legislation are twofold. First is the settlement of the dispute and the reaching of an agreement acceptable to all the parties to the dispute; second, and of equal importance, the prevention of a work stoppage attributable to such dispute, or at least its limitation to such a point that it will not prove damaging to the national health and safety.

Those giving unqualified support to title III of the Thomas bill—which is the title dealing with this matter—evidently feel that its declaration "that the parties to the dispute shall continue or resume work and operations" offers a sufficient guaranty against any work stoppage which, in its consequences, would be harmful to the national health and safety. But, as has already been pointed out in this debate, the history of this kind of mandate demonstrates that it is not always effective.

On the other hand, the proponents of seizure, or the injunction, or either of them, feel that only by going to such extremes can we have assurance that work will continue or be resumed. But the record under the Taft-Hartley Act shows that even such severe provisions will not always aid in resolving disputes or in preventing a work stoppage. In other words, no certain remedy for curing a situation such as I describe and such as we are considering now has yet been presented.

Therefore, I am proposing a method for meeting the national emergency question which I feel supplies the portions of the Thomas proposal which are missing, and simultaneously gives as much assurance against a work stoppage or the continuation thereof as is provided in either the amendment offered by the able Senator from Illinois [Mr. DOUGLAS] or the amendment offered by the able Senator from Ohio [Mr. TAFT]. The perfecting amendment which I propose to the substitute amendment offered by the distinguished Senator from Utah meets the requirements I have indicated. It, too, provides for a proclamation by the President, the appointment of an emergency board, and a 30-day cooling-off period; but it goes further. It also calls for the utilization of the Federal Mediation and Conciliation Service in helping to bring the conflicting parties into agreement. At the same time, it would place greater responsibility upon the President and upon the Congress whenever an emergency of national proportions might arise. My proposal requires that in any case in which a strike or lock-out occurs or continues, after the appointment of the emergency board, the President shall submit immediately to the Congress, for consideration and appropriate action, a full statement of the case, including the report of the emergency board, if such report has been made, and also such recommendations as he, himself, may see fit to make. It further provides that in case the Congress shall not be in session at the time, the President shall convene the Congress without delay for the purpose of the consideration of appropriate action, pursuant to his statement and recommendations.

I realize that the plan which I propose does not guarantee that there would be no work stoppage. I would point out, however, that with the probable exception of atomic energy, no national emergency of the kind under discussion, in which a limited period of work stoppage would be damaging, is likely to occur. Moreover, insofar as atomic energy is concerned, it seems to me that special legislation should be enacted to meet such a condition as would be involved in that highly critical industrial field.

I would reiterate, moreover, that no national emergency plan yet devised in and of itself would prevent a work stoppage in the final analysis. It will be recalled that, even under the national emergency provision of the Taft-Hartley Act, there was a prolonged work stoppage in the west coast shipping dispute after the 80-day injunction period had expired. Indeed, when the national emergency provision in the Taft-Hartley Act was drafted, as at least some of the present Members of the Senate will recall, it was the general expectation of those who participated in its drafting that in the case of a serious labor-management controversy, which could not be resolved through the processes provided in that provision, ultimate specific action would be required of the Congress.

Right here is the point toward which every national emergency proposal now under consideration inevitably is directed. Not one of these proposals in and of itself provides a final solution. Every one of them looks to the Congress for ultimate action if the emergency is not to be resolved by the procedures they contain.

The place where I differ with the proponents of the other proposals, aside from the one contained in the Thomas amendment, is in my strong feeling that it is not necessary to set up legal machinery which would authorize seizure of whole industries which are national in scope or the use of the injunction against employees in those industries to achieve the results we seek. The procedure contained in the proposal I submit can and should be wholly effective and far more desirable in obtaining these results.

In the first place, because of this procedure, the President would not be likely to proclaim a national emergency provoked by a labor-management dispute unless he were sure that such emergency existed.

In the second place, both labor organizations and management would hesitate considerably before occasioning a work stoppage in industries involved in such an emergency, when by such work stoppage they would bring the whole matter immediately before the Congress for action.

In the third place, if the Congress perchance were to be faced with a crisis of this nature and under these conditions, it should be in a most advantageous position to pass ad hoc legislation geared appropriately to meet the immediate situation.

Here, Mr. President, I desire to digress, to refer to some objections which have been made in connection with the observations or statements I have just made. Obviously, the main force of the approach which I present is psychological in character. In and of itself, it possesses nothing which could be harmful to either management or labor; but by the very process which I point out—the bringing of the matter to the attention of the Congress for action, as I have just indicated—there would be a natural hesitancy on the part of either management or labor to provoke a condition which would bring about such a consequence as I have indicated.

So, also, it has been suggested that the Congress itself—stirred up, as it might be, under conditions of this nature—would be in no position to take reasonable or sound action. Mr. President, I wish to say that, stirred up though the Congress might be, and might rightfully be, nevertheless, through the operation of the procedures I have outlined—the action, in the first place, of the Emergency Board; and then, in the second place, the submission to the Congress of the recommendation of the Emergency Board and the recommendation of the President, and other related matters which might come before it—the Congress would not be surprised, would not be taken off guard by a situation of this nature. Ample opportunity would have been afforded to know the facts, to know the background, to become accustomed, acclimated, if you please, to the situation which might confront the Congress. So I have no apprehension regarding a situation of this nature. As I see it, with this procedure operating as it should, the Congress definitely would be in a most desirable position to enact legislation of a temporary nature applying only to the immediate dispute in question.

Then, in the fourth place—and this is something which must not be forgotten,

because it is so vital in all that we are contemplating—the free play of mediation, conciliation, conference, and persuasion would be given the greatest possible latitude with the least possible restriction.

Finally, in the fifth place, the opportunity for reaching a peaceful settlement of the labor-management dispute should be at a maximum and interference with such settlement should be at a minimum, and there should be a far greater chance that a settlement thus reached would be durable.

As devices for helping to achieve industrial peace and to bring about a satisfactory agreement under conditions such as those we are now considering, either seizure or the injunction is, at best, of most dubious value. Where the injunction by indirection would seem to reflect against labor, seizure by the same line of reasoning would appear to be an indictment of management and ownership. Furthermore, seizure opens up avenues of encroachment by Government into private enterprise, which are not pleasant to contemplate.

The proposal I make through my amendment would prevent undue interference by Government, either in the activities of labor organizations and workers, through the injunction, or in the operation of industry, through seizure. It should be productive of a better feeling between management and labor than can be realized by any possible device which would force labor to work against its will, or force industry to operate by Government edict and under Government direction. Most of all, as a means to prevent a work stoppage, the plan I propose, as I have already emphasized, should prove fully as effective as seizure, or the injunction, or both.

Mr. THOMAS of Utah. Mr. President, at this time, before we take a vote, I think it would be wise for us to review the various amendments which have been offered, so that we can in a way summarize and keep in our mind the differences between the various phases that are before us. That is rather hard to do. The differences are not great, and yet they are important. For example, the opposition which is made to the original provision of the bill is, as the Senator from New York [Mr. IVES] has already said, not directed to the provision or to what it might accomplish; it is directed to a ruling on what might be the President's power in regard to national emergencies. Therefore, before we can or should vote on these matters, I think it is very vital that we should have them well before us.

In the original bill, which is the proper place, I imagine, to begin, there is no mention of injunction and no mention of seizure. There is mention merely of certain things which the President shall do in case he finds the country in a state of national emergency due to a stoppage of work in an industry affecting the entire Nation. We did not think in terms of national emergencies until very recently in our history. The phrase itself undoubtedly came into existence as a result of the Taft-Hartley law. But our country got along for a great many years without the phrase and without thinking about whether the President had or had not such power. Under the Thomas bill, which is an attempt to get away from the harsh provision of the Taft-Hartley law, a law which some of us at least do not think has worked to the advantage of industry and labor, the national emergency would be handled first of all by the President, who would issue a proclamation calling attention to the fact that there is an emergency. His findings in connection with the emergency would be such that he would call upon the parties to the dispute to continue work in the public interest. He would then establish a cooling-off period, to begin with the issuance of the proclamation and to continue for 5 days after the filing of a report, but not longer than 30 days. In the proclamation a commission would be set up. An attempt would be made to arrive at terms.

The whole thing is based upon the theory that the dispute is an honest one, that it is not fictitious, that the employer and employees have earnestly tried to settle their grievances with one another, but have failed. Under the President's proclamation, work must continue. I hope no one will ask me how it is to be forced in case there is a work stoppage. It is merely assumed that the President of the United States will be dealing with American citizens and that they will respond in all seriousness to his request that they continue work.

An emergency board is set up promptly by Presidential appointment. The board is required to make a study and to submit a report. Its duties are prescribed, and in the end, it is assumed—and the assumption is based upon history, upon fact, not upon fiction—that the parties will come to an agreement.

The opposition which is expressed to this simple way of proceeding is that it is not harsh enough, that it is not sure enough, that it does not go far enough. But the opposition and the criticism come because the critics fail to realize the powers of the President, the powers of the Congress, the powers of the ordinary organs of the Government. It is because of this situation that much of the opposition arises. Members of the opposition say they do not concede the existence of inherent powers in the Executive. They say they do not like to leave anything to the discretion of the President. I have already pointed out that there is nothing which can be done under our constitutional system with reference to Executive discretion. Whenever the President shall find a certain situation, he may proceed. That is the ordinary way in which the President acts. What is there, short of the President's oath to live up to his responsibilities as Chief Executive of the United States, to compel him to act? The fathers, in establishing the Constitution, evidently thought that in giving the President powers under the Constitution, his actions would naturally follow the powers. To assume, as has already been said on the floor, that the President has not a single inherent power prescribed or written in the Constitution is merely a failure to recognize what has happened under the Constitution and the manner in which the President proceeds.

Much of the discussion in the hearings came about as the result of a letter from the Attorney General, in which he stated that the President had certain powers. There is no Senator of the United States who will turn his back upon the history of the United States. We all know that the Presidents of the United States who have been considered by historians as great Presidents are those who have, in emergencies, used powers. Those powers have not been questioned. Such Presidents have been called by the opposition dictators. But the interesting thing, Mr. President, is that if I should name the Presidents of the United States who have been called dictators, who have made the greatest record for our country, those who have been charged with trying to make monarchs of themselves, to perpetuate themselves, I would name the great Presidents of the United States who have been accepted as such by common consent and by the historians of the Nation.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield to the Senator from Vermont.

Mr. AIKEN. Would the Senator include Thomas Jefferson in that list? I recall the history of my own State. The Legislature of Vermont memorialized Thomas Jefferson to run for a third term, and he gave very convincing arguments as to why he should not run for a third term. I believe the Legislature of the State of North Carolina did the same thing. I hope the Senator from Utah would not include Thomas Jefferson as one of the would-be dictators among our Presidents.

Mr. THOMAS of Utah. It would not be difficult to show that Thomas Jefferson himself admitted that he used the inherent powers of the Presidency in accomplishing results. I do not think anyone here is absent minded regarding Thomas Jefferson and the Louisiana Purchase. I do not think anyone is sorry that Jefferson made that purchase.

Mr. AIKEN. I know the Senator from Utah is an admirer and a great student of Thomas Jefferson, and I join him in the high regard he holds for Jefferson. It was one of the Vermont delegates who got out of jail in time to reach the national convention to break the tie, and nominate Thomas Jefferson on the thirty-seventh ballot. That man's name was Matthew Lyon.

Mr. THOMAS of Utah. I think it was Ethan Allen, of Vermont, who, as candidate for Governor of Vermont, showed what he would do if he were governor in regard to certain things which were going on. He used inherent powers to accomplish his purposes.

Mr. AIKEN. He did not become Governor of Vermont. So far as I know, no Governor of Vermont has ever had to use assumed powers.

Mr. THOMAS of Utah. Powers are not assumed, Mr. President, and I know the Senator from Vermont will admit that.

I think I should finish the statement I was making, that if we go through the

list of the Presidents of the United States who have been accused of wanting to be self-perpetuating and using their powers in an extraordinary way, if we name the greatest ones, Washington, Jefferson, Jackson, Lincoln, Theodore Roosevelt, Wilson, and the second Roosevelt, we may ask, Why were they great? It is because of the things they accomplished, because of the circumstances they faced. As men, in any kind of a comparison we make, they were great, but as Presidents of the United States they were exceptionally great.

The Attorney General's letter did not set forth any new or startling doctrine. He pointed out that the inherent power of the President to deal with emergencies which affect the health, safety, and welfare of the entire Nation is exceedingly great. There is no measure of that power; it is not a power that can be measured; it is not a power which can be dealt with on an assumption of what is going to take place. It is a power which can be expressed only when it is used, and it is either great or less great in the degree of effectiveness of its use. The mere fact that a man is President of the United States implies in and of itself tremendously great power. This fact is as old as the Republic itself.

The letter referred to the opinion of former Attorney General Murphy, dated October 4, 1939, to the President of the Senate, in which it was stated:

> You are aware, of course, that the Executive has powers not enumerated in the statute—powers derived not from statutory grants but from the Constitution. It is universally recognized that the constitutional duties of the Executive carry with them the constitutional power necessary for their proper performance. These constitutional powers have never been specifically defined and, in fact, cannot be, since their extent and limitations are largely dependent upon conditions and circumstances. In a measure this is true with respect to most of the powers of the Executive, both constitutional and statutory. The right to take specific action might not exist under one state of facts, while under another it might be the absolute duty of the Executive to take such action.

Mr. President, anyone can see the logic and the necessity for that sort of understanding and for that type of deduction.

The Senator from Oregon has asked to have pointed out to him the section of the Constitution from which these inherent powers stem. I have already answered a part of the Senator's remarks. If any one section must be pointed out, I call the Senator's attention to section 1 of article II, which provides:

> The executive power shall be vested in a President of the United States of America.

The executive power is not defined. How can it be defined? But the executive power that exists under the Constitution is, by the simple grant there made, vested in the President. It is going to be a changing power as the country grows, as it becomes more wealthy, and as the people extend themselves over the world. Wherever the President's or the country's jurisdiction goes the executive power goes, too.

Mr. President, that does not mean that in quality the executive power is any greater or any less, but it does mean that it is going to be greater or less in quantity according to what the President is doing, or that which the country is attempting to do.

Everyone grants that the President's power in wartime is very much greater than it is in peacetime, because he is the Commander in Chief of the Army and Navy, and the Army and Navy are extended in wartime. It is all quantitative. We may go on arguing from now on, and almost forever, in trying to get a definition of something which cannot be defined.

Mr. President, what I have referred to from the Constitution is a complete vesting in the President of complete power. That is what the Constitution does; it gives power to conduct the Government, the power to see to it that the country and the Government do not break down. That is what the President is doing when he takes care of an emergency. The power could not have been stated in broader terms than it is stated in the Constitution.

The Supreme Court has considered the view which the Senator from Oregon apparently expounded, and has expressly rejected it. Incidentally, the same view appears to have been expounded previously by the great Daniel Webster. In the case of Myers against the United States, the Supreme Court, speaking along about 1926, as I recall, long before the Taft-Hartley law and long before the National Labor Relations Act, said:

> Mr. Webster denied that the vesting of the executive power in the President was a grant of power. It amounted, he said, to no more than merely naming the department. Such a construction, although having the support of as great an expounder of the Constitution as Mr. Webster, is not in accord with the usual canon of interpretation of that instrument, which requires that real effect should be given to all the words it uses.

The Supreme Court also recognized the breadth of the power vested in the President as distinguished, indeed, from the powers vested by the Constitution in the Congress of the United States. The Supreme Court has said:

> The difference between the grant of legislative power under article I to Congress, which is limited to powers therein enumerated, and the more general grant of the executive power of the President under article II, is significant.

That is, the Court recognizes the delegated power in Congress, but it points out that the executive power is, comparatively speaking, a different type of power.

The Attorney General's letter to me must be read in the light of the history of our country. Certainly, as Secretary Tobin has said, "No President would permit the Nation to be brought to its knees."

The President of the United States takes an oath, as does every Senator. Is not that binding? Is not that a serious matter? If there had been any more effectual way to hold a man true to a trust than the taking of an oath or affirmation, it would have been written into the Constitution of the United States. But amongst civilized men that is the strongest medium yet worked out to call man's attention to the seriousness of the promises he makes. The founding fathers did not go any further because they could not. Everyone who works under the Constitution of the United States is limited, and is bound, morally to be sure, but a moral tie is not an insignificant tie; it is one which becomes legal, and which the courts respect, and which has had a lasting effect throughout history.

The President takes an oath, Senators take oaths, and everyone who administers in the name of the President takes an oath, and those oaths are not passing generalities by any means, they are important, and they deal with inherent powers.

The inherent powers of the President are, without any question, sufficiently broad to meet an emergency and sufficiently flexible to provide a suitable remedy. If that were not the case, Mr. President, how in the wide world could a government, set up as our Government is established, based upon trust, endure? If Congress does not do its duty and live up to it promises, the Government ceases to exist. If the courts refuse to hear cases, how are we ever going to get any judgments? If the President decides not to be an executive, our Government comes to an end.

Governments have not ended in that way, Mr. President. That is not the way governments have been brought to an end when they have ceased to exist in the course of history. We have found that the moral ties under our Constitution are extremely strong ties, and they have been effective ties until today the Constitution of the United States is the mother of all constitutions, older than any other constitution in existence in the world. Still, the possibilities of breaking it through nonaction, or through not paying respect to the duties imposed upon one holding office, have been great enough to keep our Government going through all the emergencies which have occurred, not emergencies caused by labor disputes, but every type of emergency.

This doctrine is not a creation of recent years. President Theodore Roosevelt described the executive power thus:

> I declined to adopt the view that what was imperatively necessary for the Nation could not be done by the President unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws. Under this interpretation of executive power I did and caused to be done many things not previously done by the President and the heads of the departments. I did not usurp power, but I did greatly broaden the use of executive power. In other words, I acted for the public welfare, I acted for the common well-being of all our people, whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition.

Mr. President, that is taken from Theodore Roosevelt's autobiography. Theodore Roosevelt has been criticized for this statement. I do not object to the criticism. I think he extended his power more than once in a way which those of

us who watched him work thought was probably too great an extension of the right and the duty of the President of the United States. His admission about what he did in Panama was an extremely great admission, probably the greatest admission any President ever made in the whole history of the United States, unless it was Jefferson in regard to Louisiana. But in the light of events, is there anyone in the United States any more sorry that Roosevelt did what he did than that Thomas Jefferson did what he did?

Mr. President, what we do here in regard to the labor bill will make history, and something may occur as the result of what we do here which will also make history. Some President may have a chance to do something mighty and fine under the authority granted by the legislation we propose to enact now. He may have a chance to do the opposite, however. So, in passing legislation we do not want to curb the power and the greatness of the Executive to such an extent as in any way to interfere with the glorious way in which our country has moved forward under the Constitution.

Attorney General Biddle, in an address before the annual convention of the California State Bar Association at Yosemite National Park on September 18, 1941, stated the doctrine very concisely when he said:

> Traditionally, every President of the United States, from the first to the present, has been prepared to use his constitutional powers when the Nation or its citizens were endangered in circumstances requiring prompt and vigorous action.

What would we say, Mr. President, of a President who did not use his powers when danger threatened? That is something to think of when we become frightened respecting inherent powers. Failure to act is subject to criticism quite as much as the action itself. Everyone expects the President of the United States to do his duty.

> There have been differences of opinion with respect to action taken, both before and after the event; but over the years the wisdom of the framers of our organic law has been repeatedly confirmed. If you were to press me for a distillation of principle from the full harvest of our national experience I would suggest that the magnitude of the threatened disaster is the measure of the President's power and duty to take steps necessary to avert it.

Here again was an attempt to define something which cannot be defined. The speaker used words, painted pretty pictures, and that is as far as he could go. What he said sounds good, it is good, and it is good constitutional law, too, Mr. President.

The nature of the President's powers as they affect seizure were discussed in the Congress in connection with the act of July 16, 1918, 40 Stat. 904, which authorized the taking of the telephone and telegraph lines. Relative to that power, President Harding, then Senator Harding, although opposed to the bill stated—this was Harding, one of the Presidents listed by authorities as not being too strong. He does not have a place among the great Presidents. But here, nevertheless, is his constitutional theory:

> Mr. President, I listened with a great deal of attention yesterday to the able remarks of the senior Senator from Illinois—

That was the late Senator Lewis, of Illinois, who sat in this Chamber with us so long—

> and I recall that he said, if there were a real war emergency, if there were a present necessity for the seizure of the lines of communications in this country, the Chief Executive would take them over, else he would be unfaithful to his duties as such Chief Executive. I agree with that statement, and if the President believes there is such an emergency, he ought to seize them (56 CONGRESSIONAL RECORD, p. 9064).

Mr. President, that discussion took place in wartime. Seizure was thought of under the war powers of the President rather than under his ordinary powers. But he is President of the United States in peacetimes quite as much as in wartimes, and if an emergency occurs his duties are still his duties.

Similar statements relative to the President's power to seize were made in the Congress during the debates on the War Labor Disputes Act. Prior to the enactment of that act and prior to the declaration of war, President Roosevelt had ordered that possession be taken of three plants. On June 9, 1941, the Government took possession of the North American Aviation plant by Executive Order No. 8773—Sixth Federal Register, page 2777; on August 23, 1941, the Government took possession of Federal Shipbuilding & Drydock Co. by Executive Order No. 8868—Sixth Federal Register, page 4349; and on October 31, 1941, possession was taken of Air Associates, Inc., by Executive Order No. 8928—Sixth Federal Register, page 5599. All these seizures were effected because labor disputes in these plants threatened to interrupt defense work being carried on in these plants. Following the declaration of war, but prior to the enactment of the War Labor Disputes Act, which contained a seizure provision, the President seized nine other plants, facilities, or industries, including the bituminous coal mines. In respect of the Executive authority to take possession of facilities in the absence of statutory authority and prior to the declaration of war, Representative May stated:

> Mr. Chairman, if any Member thinks it is wrong, that it is wrong that the President should have this power to take over an industry for the purpose of policing it just because one or two men may object, that Member will have the opportunity to express himself by his vote; but let me tell you a few things. We hear it said the President already has power to do this. I think he has, and I think he exercised it wisely when he took over the plant in Inglewood, Calif. (87 CONGRESSIONAL RECORD, p. 5895).

Also, in respect to this matter, Representative WHITTINGTON stated:

> We approve the course of the President of the United States in the North American air plant in California. It was never argued; it was never stated by the Attorney General that the President had such authority under section 9 of the Selective Service and Training Act. It is only maintained that he had that authority under the Constitution as Commander in Chief. I say that the bill should be enacted and that the President of the United States should be given the power by statute to do that which he did in the case of the aviation company in California (87 CONGRESSIONAL RECORD, p. 5972).

The statute was passed after the act was done, permitting by law what the President already had done. That is not something new in our scheme of government. Probably it is not the best time at which to offer it. But it is a fact that the President did act. The President was criticized for that action, but what he did was effective and lasting.

Representative DIRKSEN contended that a seizure provision such as was contained in the War Labor Disputes Act was unnecessary, stating:

> Secondly, let me submit to you that the Commander in Chief who can occupy Iceland with the troops of the United States and advise Congress of his action 6 days later does not need any legislation to occupy a plant in the United States of America. He has done it once and he can do it again. Surely no proponent of the pending bill will arise to confess that what the President did before in California was or is illegal (87 CONGRESSIONAL RECORD, p. 5974).

The President's inherent Executive power to take action without the aid of specific statutory authority includes an almost endless variety of possibilities depending upon the emergency. But in every emergency the power has been great enough to cope with the situation.

In 1902 Theodore Roosevelt seriously considered taking possession of the Pennsylvania coal mines during a strike in the mines to prevent a coal shortage—volume 20, Works of Theodore Roosevelt, page 466. The taking never became necessary because the dispute was settled. However, it appears that President Roosevelt had in mind seizure upon invitation of the Governor of the State of Pennsylvania, rather than direct action at the initiation of the President. Such a seizure would follow the theory of article IV, section 4, of the Constitution, which guarantees the States against domestic violence.

In 1914 President Wilson, in connection with the Colorado coal strike, considered taking over the coal mines upon the recommendation of the American Federation of Labor and others—Woodrow Wilson papers, file 6, box 393, Nos. 901, 902, Division of Manuscripts, Library of Congress. However, such taking was not effected.

On May 1, 1917, President Wilson ordered that all telegraph and telephone lines and cables should be operated only under regulations of the Secretary of War or the Secretary of the Navy, although there was no specific authority for this order.

On July 13, 1917, again without statutory authority, President Wilson issued a proclamation preventing German marine and war-risk insurance companies from operating in the United States since it appeared that through these companies the German Government was obtaining information concerning ship

movements. Again in 1917, President Wilson asked Congress to arm merchant vessels, and when such authority was not forthcoming he, as an exercise of his own executive power, gave notice of determination to arm all American merchant vessels and place naval personnel and guns thereon.

The Attorney General's letter of February 2, 1949, should not be interpreted so as to relate solely to the question of whether the Government may obtain an injunction to prevent a work stoppage in the event of a national emergency in an industry vital to the country's economy. The problem is much broader than that.

Strikes of this nature present problems which vary greatly as between the several industries; and the course of action on the part of the President which would be most likely to lead to a settlement or to protect the national interest pending a settlement can seldom be accurately stated in advance. A railroad strike, for example, might call for the operation of the roads on a limited basis by the Government itself. Aid to the courts might be appropriately requested in some of these situations and not in others. Nor does it necessarily follow that injunctive relief would be appropriate in a particular case.

We are pointing out that the President should fit the rule to the action. If we prescribe too much, likely the event or the emergency will in no sense fit the prescription. Since our country has gotten along so well under the theories of the Constitution and under the powers vested in the President as Executive—so well that the President has been able to fit his powers into the emergency—I ask, Is it not more sensible to leave it that way than to attempt to assume that every kind of an emergency will come from a given direcion, and limit the President to action in that direction? I believe that the more we think through the various theories of the amendments which are before us the more we shall see that title III of the committee bill is written on the basis of experience. It is written definitely to take away the fear and the theory of the old injunctive processes. It is written to make it improbable that resort to seizure will be had. It is written in such a way that the President may use all the powers which the Executive has used in the past, all the extraordinary authorities which various Presidents have used from time to time; but it is written in such a way that the man who is President at the particlar time will meet the situation as he sees it should be met in the light of all the circumstances, as a result of the measure of the real seriousness of the emergency. To try to write law in any other way is to guess what kind of emergency we are going to have next. That simply cannot be done. Even prophets, when they get themselves into a guessing frame of mind and try to meet situations, fail.

The President has indicated on several occasions that the problem of dealing with labor disputes leading to national emergencies is one which deserves most careful study. The complexities of the problem are in fact such as to render it highly unlikely that any simplified approach would lead either to labor peace or to the protection of the public interest. Certainly the Taft-Hartley approach, which is to compel labor to continue to work under the formerly prevailing conditions for a period of 80 days and then permit the strike to occur, is one which heavily burdens labor and provides no incentive to management to attempt to settle the dispute through fair collective bargaining. An approach which is sufficiently flexible to meet the needs of particular situations and at the same time sufficiently clear in its application to provide assurance to the public as well as to labor and management that all interests will be properly protected is the solution which must be sought.

The Attorney General's remarks in his letter that in appropriate circumstances the United States would have access to its courts to protect the national health, safety, and welfare cannot be denied by any Member of the Senate. The Attorney General was not stating what the appropriate circumstances would be. The point is that if the circumstances warrant, the power is there. Depending upon the circumstances, the United States might have taken possession of the particular industry involved; and of this power there is no doubt. No one can deny that an injunction after seizure is appropriate where the circumstances warrant. As the President has pointed out, national strikes creating national crises are complex in their origin, creating complexities in their solution. The injunction device as standard practice is no solution. It is merely an aspirin which does not remove the cause. It might be appropriate and it might not. But to enact as a matter of national policy this misleadingly simple way of handling a complex problem is to bury our heads in the sand. We are here concerned with labor peace, fairly arrived at by the parties, and not with enforced armistices. A statutory threat of injunction in all cases does not present the proper background for labor peace. If, however, the circumstances warrant appeal to the courts or any other manner of protecting the Nation's interests, the President as Chief Executive has ample authority and the constitutional duty to meet the emergency.

When I say that, I point out the fact that those who criticize the committee bill as a bill which does not go far enough, which does not do enough, which leaves things unsettled, should remember that it does not take away the powers which the President of the United States has used in the past, or the powers which he may use in the future. At no time has the country seriously questioned such powers when the President has reached out and, to use Jefferson's expression again, seemed to have stretched the Constitution.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. HUMPHREY. I should like to ask the Senator if he feels at liberty to explain the provisions of the Thomas bill as they deal with national emergencies, as compared with the existing practices under the Railway Labor Act. How do they compare, in terms of their application to the cooling-off period in the process of settling disputes?

Mr. THOMAS of Utah. Of course, the theory of title III in the committee bill is built upon experience under the National Labor Relations Act. Whether, if title III should become law, things would be done in exactly the same way they have been done under the National Labor Relations Act, it is impossible to tell. Title III of the committee bill is not as explicit with regard to the various steps that should be taken; but it is assumed that the National Mediation Board system, generally speaking, has worked satisfactorily. Therefore the experiences under that process were extensive enough to satisfy labor and quiet its fears about the power of the President, and sufficient to satisfy industry, so that it had no fear about an extension of his power, because it is something which has been experienced. In that way we were able to get the unity of which I have previously spoken, of administration thinking reaching into the various departments of the administration which have to do with labor relations; and we got the support of all labor for that provision.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Utah yield to the Senator from Minnesota?

Mr. THOMAS of Utah. I am glad to yield.

Mr. HUMPHREY. Is not the purpose of the cooling-off period of 30 days under the Thomas bill proposal exactly the purpose of the injunction under the Taft-Hartley provisions?

Mr. THOMAS of Utah. The theory of the injunction in the Taft-Hartley provisions, I take it, is the theory of bringing peace. But the method used is objected to.

The theory of title III of the committee bill definitely is to keep negotiations under way, so that there will be no letup until an agreement is reached.

Mr. HUMPHREY. In other words, under the Thomas bill the cooling-off period is a part of the general process of collective bargaining and of negotiations. Is that correct?

Mr. THOMAS of Utah. Yes. It is the very process that is used in ordinary cooling-off discussions before emergencies occur.

Mr. President, as everyone knows, it is not unusual or strange for negotiations in regard to the renewal of a contract to last more than 1 or 2 days; in fact, sometimes such negotiations last for weeks. However, during that time there is no cessation of work, there is no work stoppage. The peaceful process is one which does not have a time limit; it is a process which often works better because it allows a little longer for the consideration of the problems involved.

Mr. HUMPHREY. Mr. President, will the Senator yield, to permit me to ask another question?

Mr. THOMAS of Utah. I am glad to yield for that purpose.

Mr. HUMPHREY. In view of the Senator's statement in reference to the procedures under title III of the committee bill, and his statement that that is a part of the negotiation process, and inasmuch as that procedure is literally a voluntary one, with the stated policy on the part of the Government to have the employer and employees continue their actual operations as they were doing before the dispute, I wonder whether the Senator from Utah feels that there is a better chance of arriving at a peaceful settlement of a dispute—in other words, of negotiating a settlement of a dispute—when the injunctive power is used to compel the workers to stay on the job. I think that is the real issue, namely, which one of these two methods is more conducive to the settlement of a dispute.

Mr. THOMAS of Utah. Mr. President, the theory of the bill is that the voluntary method is very much more conducive to that result than the force method. The theory which is borne out by all the experience of which I know is that ultimately the voluntary method is resorted to, even if the hammer is hanging over the heads of the ones who are involved.

That situation is exactly like the situation in war. After all, war settles nothing. It results in the defeat of one side or the other, and the victorious side is satisfied with that. But when the making of peace is begun, peaceful methods have to be used.

Of course, there is such a thing as an enforced peace. Sometimes people are required to sign on the dotted line. But in collective bargaining, in the case of most peaceful arrangements, the point is reached where people sign against their will, or else all of the bargaining is phony bargaining. Some one has to give in. However, at the same time, in our industrial relations the hammer or club is not used. The person who signs under pressure comes to the conclusion that, bad as the agreement may be, it is better than something else. That is the way the matter works out.

Mr. HUMPHREY. Does not the Senator agree that the record is that in the majority of instances the use of the injunctive process has not settled disputes? I think the record as revealed by Mr. Ching's report is that the injunctive process has hindered the settlement of disputes, rather than promoted their settlement. Therefore, is not the Congress faced with the necessity of determining which national-emergency process is the better to be used? Inasmuch as injunctions have failed to settle disputes, we are now faced with the necessity of determining which of the processes or procedures now proposed and before us will afford the best means of reconciliation. Is not that the issue?

Mr. THOMAS of Utah. I think that is correct. I can answer in this way: The old injunctive process before the Norris-LaGuardia Act came into effect, had to do chiefly with State courts, and a resort to the use of the injunction involved the forcing of a given party against its will. As a matter of fact, the general result was to force labor, rather than to force industry, although it is commonly said that an injunction can be used against an employer. However, that has not been done.

Mr. HUMPHREY. I was wondering whether in this connection it might be proper to make an observation similar to the one Anatole France made, namely, that the poor and the rich have equal privileges; they both sleep under gutters and out in the open, or something to that effect; in other words, in this case, equal privileges so far as the use of the injunction is concerned.

Mr. THOMAS of Utah. Yes; I realize that a man who has a bed in which to sleep can have a good holiday by going out into the country and sleeping under a bridge. But the man who has no bed in which to sleep simply cannot select his holiday. Of course that situation is illustrated in all phases of life.

Mr. President, so long as judges are honest and courts are proper in their action, I think the worst element in regard to the use of an injunction is the psychological element or the psychological effect, because of the bad name which the injunction has acquired throughout history. Of course, that bad name cannot be lived down. Although labor does not have a very good definition of an injunction, and does not know exactly what an injunction is, nevertheless all those who constitute labor know that an injunction is something which they should hate and should dislike, and something which they recognize as involving tyranny, and which they know has been used by those who like to coerce them whenever they can, and to make such coercion stick. That is the history of the injunctive process in the United States.

Mr. HUMPHREY. Mr. President, I should like to ask a final question of the distinguished Senator from Utah, in an effort again to bring to our attention the alternatives we face.

Yesterday we quoted extensively from the first annual report of the Federal Mediation and Conciliation Service. We had some argument as to the completeness of the quotations from the text. At this time I should like to quote from the summary of experience, as set forth in chapter VII, on page 56 of that report. At that point, in referring to all the evidence, not merely to specific cases, the following definitive statement is made:

One of the conclusions—

Surely the word "conclusion" is a significant one to be used at that point—

which the Service is undoubtedly justified in drawing from its experience of the last year is that provision for an 80-day period of continued operations, under injunctive order of a court, tends to delay rather than facilitate settlement of a dispute.

Is it not true that what we are attempting to do in writing a labor-management relations act is to find the means for the settlement of such disputes, not the means of delaying their settlement?

In view of the uncontested testimony regarding the failure of the injunction ever to reconcile the parties or even to deliver us from a national emergency, where can there be one iota of logical evidence which would lead us to believe now that in view of the tragic experience of the past 2 years, we should go ahead, close our eyes to the facts, ignore the 23 years of good, successful relations under the National Railway Labor Act, and plunge headlong again into the same abuses and, let me say, the same failures which we have experienced during the past 2 years? Is not that the issue we face in reference to the Thomas bill, as compared to the Taft amendments?

Mr. THOMAS of Utah. That was the issue which the committee recognized, and that is why the Thomas bill is worded in the way it is, in contrast to the present Taft Hartley law. There is no doubt that that was in the minds of the authors of the present bill.

GOVERNMENT ECONOMY DRIVE LAUNCHED BY EDITOR

Mr. FERGUSON. Mr. President, I know that a growing volume of mail has been coming to the desk of every Member of Congress, in support of the governmental economy program and in support of the plans for reorganization of the executive branch as recommended by the Hoover Commission.

It is one of the most encouraging signs of the times. It reflects an awareness among the people of Government's immense cost and its effect upon the national economy and the individual taxpayer. It reflects a growing determination on the part of the people that something must be done to reduce Government's cost, to bring efficiency into Government, and to avoid the dual menace of new taxes and deficit spending.

Members of the Senate are familiar with my views with regard to governmental economy. I have repeatedly urged measures which would reduce the cost of Government through reductions of appropriations and expenditures. I have high hopes that in this session of Congress we may yet take steps to avoid an impending crisis in Federal finances. We have yet to act upon appropriation supply bills that represent more than two-thirds of the fiscal plan for the next year. We have before us a proposal which will require the President to readjust the spending schedule to permit a balanced budget within existing revenue standards. I was glad that I could be a sponsor of that particular bill.

I have likewise been an earnest advocate of all measures which will put the recommendations of the Hoover Commission into effect. The work of the Hoover Commission is one of the great events in this era of growing centralization of power. I have urged and I shall continue to urge that all priority be given to means whereby the streamlining and savings recommended by the Hoover Commission may be realized.

It is because of my attitude on governmental economy and efficiency that I have been most gratified by the signs of a growing popular demand for those same objectives. Citizens' groups are being formed throughout the country to urge a follow-up on the conclusions of the Hoover Commission. They are determined that the Commission's proposed reforms shall not wither on the

vine and die. Newspapers are taking up the effort and are promoting an educational and an action campaign. The campaign is particularly active in Michigan. The Detroit News has been printing on its front page a form to be sent to the Michigan delegation in Congress. Its front-page editorial says:

If you believe that it is time to quit taxing and spending, time to tighten the belt of Uncle Sam just as his nephews and nieces have had to tighten their belts, speak out. Let your voice be heard.

The Knight newspapers, of which the Detroit Free Press is one, have been consistent and vocal advocates of governmental economy. At the present time they are running a form, to be sent to the President and to Members of Congress, urging support of the Hoover Commission proposed reforms.

The Hearst newspapers, including the Detroit Times, have likewise been outstanding voices for governmental efficiency and economy.

The plan for newspapers throughout the country to print forms advocating support of the Hoover Commission recommendations originated, as I understand, with another progressive Michigan newspaperman, Carl M. Saunders, of the Jackson Citizen Patriot. The story of Carl Saunders' efforts is graphically recounted in an article which appeared in the Detroit Free Press, June 16. I ask unanimous consent that this article be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNMENT ECONOMY DRIVE LAUNCHED BY EDITOR

Thanks to a Michigan editor, a prairie fire is building which may burn its way through some of the deadwood in Washington.

The editor is Carl M. Saunders, for 15 years the guiding hand of the Jackson Citizen Patriot and before that an associate and editorial writer on the Grand Rapids Herald when it was under Senator VANDENBERG'S leadership.

In towns like Jackson, with 49,000 people, lots of friendly visitors show up in an editor's office.

One day last week Saunders was visited by the Reverend Howard Harper, rector of St. Paul's Episcopal Church in Jackson.

Mr. Harper had, not religion, but government—big, expensive government—on his mind.

"I want advice," said Mr. Harper.

"I'm an American citizen and an average taxpayer. I'm concerned about the size and cost of government.

"I would like to see the Hoover Commission's plans for reducing departments of government and cutting out waste adopted.

"What can I as an average citizen do to bring that about?"

A few days before that George Cowden, business manager of the paper, had asked Saunders what could be done to promote the Hoover plan.

Saunders came up with an answer—not only for Mr. Harper and Cowden, but for thousands of others who have been doing some thinking on the same lines.

"What I tried to do was figure out some way for the guy who never writes his Congressman to make his opinion felt," Saunders said. "In effect, we wrote a letter for him."

The Citizen Patriot came out with some blanks. All you had to do was sign and send them to the paper. Then your plea for the economies proposed by Hoover would go to President Truman, Michigan's Senators and your own Congressman.

Thus came about the plan which has since been adopted by the Free Press. It's simply a plan to make the little guy heard in Washington.

As Saunders says: "It will give the unorganized majority a chance to make its voice heard above those of the selfish interests and the bureaucrats."

And it is.

In the first 3 days after the blanks were printed, Saunders had 2,000 signatures. And each of these persons had signed four blanks.

Saunders got 100 letters with the signed blanks. All of them praised the move, except one. It was from a woman who was wondering what might happen to some friends in civil service.

"The phenomenal thing about it," said Saunders, "is that there is no prize award and no profit. People have to sign four times and mail the blanks.

"They're sending in box tops and getting nothing but the hope of reduced taxes and more efficient government."

Saunders said it brought the biggest response of anything like it he'd ever tried.

One blank had 86 signatures attached.

There is no politics involved, Saunders says. He calls the movement nonpartisan and unpartisan.

He has sent letters about the plan to more than 100 other newspapers in the 48 States. Nobody knows where the thing will end.

But Saunders isn't after anything, except government economy for which he's been campaigning for a long time.

"I would just like to see if this plan won't accomplish its purpose," Saunders said.

Mr. FERGUSON. If the Saunders plan catches fire, as it apparently has done already, Members of the Senate are going to be flooded with demands for governmental economy and efficiency. It will represent something new in pressure-group activity from the otherwise unorganized "little guys" of the Nation.

It will be a burden to handle. Personally, I will welcome it. It will confirm what a number of us in the Senate have been thinking and seeking to stress for many months by specific proposals. It will demonstrate that the people are demanding less Government spending, more Government efficiency for the price of their tax dollar.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS], for himself and the Senator from Vermont [Mr. AIKEN], to the amendment of the Senator from New York [Mr. IVES] to the original text of the bill.

Mr. WILEY. Mr. President, as I have stated on other occasions, not being a member of the committee that has been giving attention to the pending labor-management legislation, I feel a little timidity in rising to speak on the subject, because most of us have our time taken up, to a large extent, in the work of our own committees on bills which may become legislation or may not become legislation, so that we do not have an opportunity to go into the questions involved in the legislation pending before other committees. But during the last few days I have spent many hours listening with intense interest to the very able arguments on the pending bill. They have been, I am very happy to note, very friendly arguments. It seems as if Senators with different mental approaches are urging us to find a basis on which we can agree. I say I have listened with profit, and yet, after listening, I came to the conclusion that in order properly to clarify my thinking—and, as I recall, it was Elbert Hubbard who said that the man who makes a speech is the one who gets the most out of it, because he hears himself talk—in order to clear my own thinking on the subject of injunction, I made up my mind I would speak briefly on the subject.

I listened, I say, with profit, but generally throughout the debate it seemed to me that the debaters considered this to be a court in which an issue was drawn between labor and management. This is not a court. This is the forum of the people. This is where 148,000,000 people have the greatest interest in what is going to be done about the pending legislation, and, while much has been said of a legalistic import, to me at least there are certain factors which have not been stressed. Having been a lawyer myself, I shall refer to the legal phases and to the factors which have a tremendous bearing upon legislation of this character.

First, we are living in the communistic age; second, we are living in the atomic age. Those two factors will have a great deal to do with shaping legislation when it comes to the question not only of the right of the executive but the power of the executive to do certain things. Executives within the comparatively recent past have exercised power, whereas it might be said they did not have a strict legal right to do so. My memory is clear. I remember that Lincoln, in an emergency situation, used power, and the courts, because of the situation, refused to pass upon the exercise of that power until after the emergency was ended.

There is a third factor which always comes to my mind, having lived quite intensely for almost the whole of the last 11 years as a Senator of the United States. Time and time again, Mr. President, there has been impressed upon my own consciousness the imperative need of maintaining this Government as a government of checks and balances. It is very significant. I think that probably the future historian, when he comes to analyze the trend of these days, will see certain things which we do not see, because we do not see the end or the climax. But so far as I can foresee, I, for one, am not filling to permit an extension of power either in the executive, the legislative, or the judicial branches of the Government to such an extent that if an emergency shall arise a Cromwell or a Hitler or a Mussolini may take over.

Therefore, while I am ad libbing, as it were, I repeat that in dealing with this subject I want to bear in mind that this is a new age. We have turned the corner and are meeting the challenges

of the atomic bomb and the penetration of the Communist. who has become active in every country in the world. Communists act like termites. or may act with bombs if they can procure them. We certainly must make sure that so far as we can humanly foresee any part of the future, this Government shall be made perfectly adequate to meet any situation which may arise. At the same time, because power corrupts, we must see to it that no individual, group, party, gang, clique, or organization can conceive that it is bigger than the Government itself. We can meet that challenge by sustaining this Government with its tripartite organization as a Government of checks and balances.

I realize, Mr. President, the importance of the question before us. A decision must be made, a solution must be found; and my conscience weighs heavily with the knowledge that I must participate, as part of my sworn duty, in the final result. Guidance is what we need; guidance is that which I humbly seek, so that the answer may be found.

With what are we essentially dealing? Is it simply the idea of strikes which endanger the national health and safety? Is it the rights of management, government by injunction, or, as labor claims, a form of involuntary servitude brought about by the injunction process? Are injunctions bad per se, as so many persons believe, or will they save the union in time of emergency, as others claim?

As these thoughts run through my mind, Mr. President, as a practitioner in the courts of the country for over 30 years, and as a student of the law before and after that period, I recall the history of injunctions and labor relations and realize that we have traveled a long and tortuous road, sometimes meeting with detours, but always in the general direction of improvement. We seem now to have come to a dead end. There is no straight road ahead. A turn, one way or the other, must be made in the sense that our debate must be concluded and a decision reached. What is the decision to be? Behind it, what elements determine the decision? Certainly not mere argument by conclusion, such as has been used for 2 years, that the Taft-Hartley law is a slave-labor law, an argument which sabotaged the thinking of many, but which many now know was mere buncombe.

Conclusions do not add up in argument with persons who reason and think. Facts are what count. I came to Washington on the railroad 2 weeks ago, and in the train a railroad man approached me, whom I had never seen before, and said, "I want to tell you I am a railroad man who is in favor of the Taft-Hartley law." I said, "Are you joking, or what is this?" He said, "No. I know what it has meant to labor in this country."

I have received letters and postal cards from labor men in Milwaukee, with their names signed to them, telling me not to do anything of a detrimental nature to the Taft-Hartley law. Thank God, they are now signing their names and giving their addresses. There was a time when the fear of the racketeer, who told them what they should do and how they should vote, was in their hearts, and they would write and say, "Please do not expose my name." The polls taken among labor, in my opinion, at least, definitely show that a large percentage of the common workingmen are not fearful of the Taft-Hartley law, but are grateful for it. One man said to me, "Now I know where my money is and what becomes of it. With the Taft-Hartley law we do not have to worry about how a labor leader may get away with a million dollars as occurred recently."

I heard arguments a few moments ago, consisting of generalities and conclusions, regarding the fact that the act is a slave-labor act.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. WILEY. I want to continue my remarks, unless the Senator desires to insert some matter in the RECORD.

Mr. PEPPER. No; I wanted to ask the Senator a question.

Mr. WILEY. I shall be very happy to yield after I have completed my statement.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Senator from Wisconsin declines to yield.

Mr. WILEY. What is the decision to be? It involves an element which, for lack of a better word, I shall refer to as the element or right of social self-defense. Yes, Mr. President, there is a right of social self-defense in 148,000,000 of us, as there is a right in the individual to protect his home, his wealth, his labor. This right belongs to all the people, not only to individuals, groups, organizations, corporations, management, labor unions, but to each and everyone of us. I made that statement yesterday to a labor leader from my State. He said, "We belong to the people. We are part of the 148,000,000 people." I said, "Of course you are; but did you ever think about this, that it is the racketeer in management who wants to 'hog' unconscionable profits. The labor racketeer does not want to play according to the rules of the game—which are the laws of this country—but wants to make his own rules." That is why there is the right of social self-defense in all of us, in this atomic age, in this age of the Communist.

So, Mr. President, in the discussion of this subject I, at least, come to the question, Are we debating a lawsuit here between labor and management, or are we debating the rights of the public? From time immemorial the injunctive process has been used to restrain acts for which suits at law for damages would provide no remedy, or, at best, an inadequate remedy.

My son back in my State just won a lawsuit and got a perpetual injunction against the operation of a flying field, the proprietors of which permitted their machines to fly over the property of my son's client, who operated a fur farm. The planes flew so close that it caused the little fox whelps to be destroyed. He got a judgment of some $3,500, and a perpetual injunction to protect the owner of the little foxes from recurrence of this trespass.

Mr. President, I remember, as a lawyer, when an individual was placing a fence on another man's land, contending it was his land. We had to have an action in ejectment, then we got an injunction restraining him from interfering with the land. But he continued to trespass, and we got an injunction restraining him from trespassing on the other man's land.

Mr. President, injunction is a terrible thing, it is said, against a trespass on the rights and the safety and the health of the public! That is the argument we have heard on this floor. Let us think this through, let us look it squarely in the face in this atomic age, in this age of the Communist, when "commies" get into great and vital institutions, and upset the mental equilibrium of the people so they think only in terms of class and injury to the public welfare.

THE INHERENT NATURE OF INJUNCTIONS

From time immemorial, the injunctive process has been used to restrain acts for which suits at law for damages would provide no remedy, or, at best, an inadequate remedy. As a rough definition, an injunction can be said to be an order or writ issued by lawful authority to restrain one or more parties to a suit in equity from doing an act deemed inequitable so far as regards the rights of some other party to such suit in equity. Thus, if a man enters my property to injure an improvement thereon, he is liable later in damages at law, but the relief I need is immediate stoppage of the injurious activity. For this an injunction will be a most respected and needed remedy, and one which until recently was utilized against individuals as contrary to groups such as labor unions.

INJUNCTIONS AS APPLIED TO LABOR DISPUTES

With the growth of our technocracy, and as we progressed from an agricultural economy of small farms, small shops, and factories, and limited and underdeveloped communications between the various parts of the country, into the industrialized, interrelated, and independent economy in which we now live, it is obvious that any strike would naturally have a more devastating effect on the economy as a whole than it would have in the past. Thus, for some years now injunctions have been used in labor disputes at the instance of Government, employers, and labor unions. In the absence of restrictive legislation, such as the Norris-LaGuardia Act of 1932, the power of equity courts to issue such injunctions has been universally recognized. It has aided me greatly to refresh my memory on the history of the labor-injunction procedure.

THE LABOR INJUNCTION

Before the Debs case, in 1895, the usual legal sanction against illegal labor activities was on action of criminal conspiracy. Against the individual union members use was made of such devices as charges of disturbance of the peace, disorderly conduct, vagrancy, and trespass. Without discussing the style of the Debs case, it is sufficient for present purposes to say that management with alacrity seized the decision as a basis for broad injunctions against union organizational activities. The basis referred to

was that the actions of the union interfered with the employer's right to a free and open market, and were therefore illegal restraints.

In 1908 the Sherman Act was declared to apply to union activities, as well as business restraints, in the Danbury Hatters' case. Thus, unions were liable criminally, and in treble damages.

This applicability of the Sherman Act to union activities and the labor injunction were dealt with by the Clayton Act, in 1917, which was the first Federal anti-injunction statute. However, to escape injunction under the act, the union activities had to be carried on for a lawful purpose, and in connection with a controversy between an employer and his employees. Under these two qualifications, the Supreme Court decided that secondary striking and boycotting were illegal, and possibly even any kind of picketing. Other holdings under the Clayton Act, some permitting the spread of "yellow dog" contracts, provided the need for new legislation. It was probably during this era, more than any other, that the historic antipathy of unions toward the courts developed, unjustly so, since the hostile decisions were based on an unsatisfactory law, or one from which the unions expected too much.

The Debs case inspired the hue and cry against government by injunction, and in the 1920's it reached its greatest intensity. Labor was out after the injunction, both substantively and procedurally. Most of their program was achieved in the enactment of the Norris-LaGuardia Act of 1932. Thus, the era was reached where the use of the injunction in labor disputes was outlawed by statute and subsequent broadening court decisions.

Undoubtedly, I think, we can all agree that there was an abuse of the employment of injunction in labor-management disputes. The courts made decisions, the decisions became precedents, the precedents operated so that the racketeer mind in management, which did not recognize the right of a fellow worker or laborer as a fellow citizen, used them to extremes.

Labor became stronger, pressure was brought to bear on Congress, and Congress passed the Norris-LaGuardia Act. As we go through these historic days of the past, we can see how back and forth the current on our national stage vacillated.

Now we come to the point where all restraint in relation to injunctive relief was gone. So the unions next turned their attentions to the other employer instruments for combating their growth and succeeded in enlisted the aid of the Government to foster their growth in the passage of the Wagner Act of 1935.

As has been so aptly described in the past few days, the purpose and the very objective of the Wagner Act was to create between labor and management opportunity for equal dealing, equitable dealing, fair dealing, so the rights of the public would be maintained. Mr. President, there can be no strike in any great national industry that does not strike at the right of the public. At the time of the passage of the Taft-Hartley Act there was no contention, as we have heard on the floor of the Senate, that the President had the right to intervene and ask for an injunction, as it is now claimed he can do.

Of course changing conditions even change the interpretation of law. From the legal standpoint, I am not ready to agree with the Attorney General, the Senator from Illinois [Mr. DOUGLAS] and, I believe, the Senator from Utah [Mr. THOMAS], that there is available to the Government in the person of its Executive inherent power adequate to meet any change of situation. I do agree that there is power, if not legal right; and in this atomic age, in this age of communism, I would hate to think that is not true. I think what would happen would be that the courts would say, as they said about Abraham Lincoln after he had used power, "We will refuse to decide this question until the emergency is over."

Mr. President, I continue my argument. Under the Wagner Act of 1935 the growth of unions really was phenomenal. The CIO probably owes its existence to the Wagner Act, and the country witnessed the movement of our national labor policy from one distortion to another. The labor injunction was abolished. Note that, Mr. President. It was abolished; not regulated. The Wagner Act encouraged the growth of unions, but did not set forth the conditions under which the growth should take place. The natural outgrowth of this evolution was the enactment of the Taft-Hartley Act. The current shifted, the scene changed on the stage of America, the pendulum swung the other way, and we got the Taft-Hartley Act.

Contrary to the statement I heard made on the floor of the Senate a moment ago, I say to the Senate that if we had not had the Taft-Hartley Act, if we had not had the restraining influence of the Taft-Hartley Act, in the first place the President would have been without the arm he used time and time again in emergency situations. In the second place, we would have had an overbalance in the growth of domination by one segment in our country. Again the system of checks and balances went into effect. This time the legislative branch used it.

Mr. President, thank God for the courage of the legislative branch which stood up and voted to pass the bill after the President had vetoed it. The legislative branch responded to public opinion. The common people of America sensed what the President and some of his advisers did not sense, that there was this dangerous trend toward autocratic power in a group, and the Congress placed a check on that power.

As the Senator from Ohio [Mr. TAFT] has said, the bill was not perfect. But what happened? Following the enactment of that measure one of the greatest pieces of propaganda this world has ever seen took place. Hitler and his associates never put on such a piece of propaganda. Then, through the press and by means of speakers, the minds of men were sabotaged. The people were continuously bombarded with the statement, "The Taft-Hartley Act means slave labor. The Taft-Hartley Act means slave labor." We heard that said over the radio. Union men were told that in their meetings. That propaganda continued to such a point that now what do we have? We have the proposal for the repeal of the Taft-Hartley Act, and the reenactment of at least eight-tenths of it in the new bill.

Note what I say—the word will go out, when the bill is passed, "We told you so. The Taft-Hartley Act has been repealed. We told you so. The Congress of the United States has agreed that the Taft-Hartley Act is a slave labor act, because it has repealed it." Already four vital provisions, which the committee would not accept, have been adopted on this floor. The Senate has reenacted those provisions of the Taft-Hartley Act.

Mr. President, I trust that the truth will reach the people, that men's minds will be open to the real facts, and that they will not be influenced by wrong conclusions, by such propaganda as "The Taft-Hartley Act is a slave labor act."

I have said that the natural outgrowth of this evolution, following the years of the Wagner Act, following the years when the labor leaders told the Government what to do, was that the labor leaders struck against the authority of the Government, and literally got the complex that they were the Government. Thank God, labor itself was not that way. But as I have said, this is the Communist age as well as the age of the atomic bomb. During this period in the great industries Communists went to the top of the labor organizations. In my own State, during the war period, for six long months a great plant was shut down. The Taft-Hartley Act was not in existence at that time. Had it been in existence the injunction could have been made use of in connection with that shut-down. After it was over one of the chief leaders was found to be a Communist and, of course, he went to jail. Yes, this is the age of communism, and during the age of communism we need weapons to protect the public interest.

INJUNCTIONS UNDER THE TAFT-HARTLEY ACT, THE PENDING BILL AND SOME AMENDMENTS

In certain instances the Taft-Hartley Act permits injunctions. Under it, the President, upon receiving a report from the board of inquiry, may direct the Attorney General to petition the proper court to enjoin a strike and if the court finds that the strike, first, affects an entire industry engaged in commerce; and, second, if permitted to continue, will impair the national health or safety, it shall have jurisdiction to enjoin such strike. Provision is made for judicial review and the act operates notwithstanding existing law.

Lest I be misunderstood, Mr. President, I wish to say I have reviewed the history of injunctions. I have shown how in individual cases injunctions were used to protect the rights of individuals, in their lives and property. I have shown how the use of the injunction was extended, and in labor cases was abused. Then I have shown that there came into being the Norris-LaGuardia Act, which abolished the use of the injunction.

Then I have shown how the Wagner Act came into being, and that during the time it was in effect labor waxed mighty and powerful, and many of the leaders got the Hitler complex, and became autocratic. The result was that down through the ranks there came a large infiltration of Communists, so much so that until Russia became our ally they would not even work for us in the war. The minute Russia got into the war they went to work. Yes; we are living in the atomic age, and in the age of communism. We had better make sure that we do not undermine our own ability to take care of ourselves.

Under the Taft-Hartley Act there was not the restatement of the vast right of injunction which was done away with by the Norris-LaGuardia Act. The Taft-Hartley Act provided only that when the national health or safety was impaired and an entire industry was at stake, an injunction could be sought in the courts. That is a limited right, not the right which existed before. The question before the American people and this legislative body is whether or not we have the "guts" to protect the common people of the country, or whether we are going to be told by some group where to head in. Have we within our souls a love of this country, or are we going to put ourselves in the ranks of those who say, "We will return to the age when anything could be done by certain groups, which you personally could not do?"

As I understand the argument which has been made before this body in the past 2 days in relation to injunctions, it is contended on one side that in a case in which the public health or safety is involved, there is an inherent power in the Executive. It will be remembered that in the John L. Lewis case the injunction was granted, but the facts in that case, as stated by the Senator from Ohio [Mr. TAFT] were that the case involved a breach of contract, and involved a situation which might not be similar to situations which might appear on the horizon in the future. In that case a contract was entered into between Secretary Krug and Mr. Lewis. Mr. Krug was acting on behalf of the Government. That is not the way in which such situations usually arise. So we have the question as to whether the power exists, and whether there is the right in the President without legislative authority to obtain an injunction.

In addition, we have before us certain amendments putting the Taft-Hartley injunction procedure into the Thomas bill, or providing seizure of the struck plant, or both. Under the Taft-Hartley Act there have been actually four situations in which the Attorney General, acting under the direction of the President, has sought injunctions. Those are all that I can recall under the Taft-Hartley. What would have happened if we had not had the Taft-Hartley Act?

The first case was the atomic energy case; the second, the United Mine Workers case, in March and April, 1948; third, the CIO maritime strike; fourth, the AFL longshoremen's strike. In the CIO maritime strike, orders were secured from three courts, but they related to the same labor dispute.

I was interested in a letter which I heard read yesterday showing the recent stand of the Department of Justice. If I correctly understood the argument of the Senator from Utah [Mr. THOMAS] today, it was to the effect that in times of national emergency, when the national health and safety are involved, there is not only the right, but the power to invoke the injunctive process to halt strikes affecting the public at large. It is contended that such rights exist apart from statute. I believe that in substance that was the argument made by my good friend.

This has certainly not helped to clear what to me is a muddled condition. Undoubtedly such a settlement was correct prior to the Norris-LaGuardia Act. It is also true that in the first United Mine Workers case the Supreme Court of the United States upheld the injunction secured by the Government while the mines were in the possession of the Government. Prior to that time the injunction section of the Taft-Hartley Act was in force. I wish to make it clear that I am arguing the question of right, not the question of power. I have the power to strike the gentleman sitting in front of me over the head with this glass, but I have not the right to do so. So we confront the question, What is the function of a legislator? What is our obligation under those circumstances?

The opinions of various justices indicate great differences, first, as to whether the prohibitions of the Norris-LaGuardia Act ran against the Government; and second, as to whether, in any event, the Government could secure an injunction without express statutory authority, except in a case in which the dispute was with its own employees. I am commenting now on the United Mine Workers case.

In the light of all I have said, I wonder where we stand today. What is our obligation as Senators? We have the Taft-Hartley Act, permitting injunctions in certain strikes under certain circumstances and conditions. We have the Thomas Bill, with no injunction provision. We have the Attorney General, who thinks the Government has the injunctive power without statute. We have the contention of the Senator from Illinois [Mr. DOUGLAS], as I remember it, that the right of injunction does not obtain except in cases such as those outlined in the United Mine Workers case.

So we have four situations. I ask frankly, If anyone of us had a problem like that in his home, would he not think that he had better clear it up? Would he not sit down and try to settle the question? How would he settle it?

We also have the confusion of the judges as to the contention of the Attorney General. That is a fine situation to be in. How are we to straighten it out? We have labor demanding no injunction process, and we seem to have four choices facing us.

First, we can refuse to enact any strike statute regarding the right to strike as absolute.

Second, we can by statute authorize compulsory arbitration.

Third, we can review the wartime expedient of plant seizure in industrial disputes, which to me is no answer whatever.

Fourth, we can retain the injunction provisions of the Taft-Hartley Act.

Furthermore, we have utter confusion and a misunderstanding or lack of recognition of one vital element, the very element which has caused me to take the floor to speak today—the need of this Republic not to face an internal Pearl Harbor.

In all this turbulent history there has first been the dominant position of employers over labor; next, by gradual but inexorable steps, the dominance of labor over employers; and finally, some balancing of the two interests under the Taft-Hartley Act. The facts show that during this period labor has grown stronger and stronger. They also show—which is the important thing—that the little local unions have grown stronger and stronger. They have taken unto themselves the autonomy which was given them. They are not being dominated by the "big shots" in the large cities.

Mr. President, last year we had an election which clearly indicated that a doctor in New York cannot successfully prescribe for a patient in Chicago or a patient in Wisconsin unless he goes there to examine the patient. The same analogy applies in the case of labor unions.

But until we had the Taft-Hartley Act the big boys from Chicago, New York, and other metropolitan centers had been telling the small fry in the local unions what they should or should not do. However, the Taft-Hartley Act gave autonomy to the local unions and enabled their members to stand on their own feet and do as they thought best. As a result, today they are entering into their own arrangements with their employers, and there is a better feeling all along the line, except when the "big shots" stir up trouble and mix things up.

Mr. President, we now are asked to decide whether the Government should have statutory power to protect the Nation when strikes affect the entire national interest. The champions of each side of the question have eloquently defended the rights of labor or of management; but I submit that at no time has sufficient attention been paid to the rights of the people as a whole. The people of the Nation are the third group interested in this question, for it definitely involves the public interest and the right of social self-defense, which I have been considering, on the part of 148,000,000 of us.

This problem should and must be settled by statute. It is inconceivable to me that in this atomic age—this era of Communist zealotry—the people's government should not have the right and authority to protect the country, by means of the use of the injunctive process, from any group which menaces the public safety and health, provided, of course, that such governmental action is limited by the proper safeguarding standards.

Governments exist only so long as the people are awake and alert to the dangers that exist when power gravitates into unworthy hands.

The American people must be ever on guard to maintain their system of checks and balances.

There must be ever available remedies to curb autocratic power.

Mr. President, I wish to say once again that I am grateful to those who have participated in the debate thus far, and am grateful for the opportunity to stand on this floor and state my own convictions on a subject which I think is of serious import to the entire Nation, and which may well determine what lies ahead for our country.

I wish to say frankly that I feel that the proper and also the simple way to handle this issue, which is the big issue involved in this matter, is to have the Congress exert its legislative right and power to determine what shall be the right and the power of the President in relation to the utilization of the injunctive process. I am seriously concerned about this one step, more so than about practically any other feature of the bill, for the simple reason that we are living in the atomic age—in the age of communism.

Mr. THOMAS of Utah. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hoey	Mundt
Bricker	Holland	Murray
Bridges	Humphrey	Myers
Butler	Hunt	Neely
Byrd	Ives	O'Mahoney
Cain	Jenner	Pepper
Capehart	Johnson, Tex.	Robertson
Chapman	Johnston, S. C.	Saltonstall
Connally	Kerr	Schoeppel
Cordon	Kilgore	Smith, Maine
Donnell	Knowland	Sparkman
Douglas	Langer	Taft
Ellender	Long	Taylor
Flanders	Lucas	Thomas, Utah
Frear	McCarran	Thye
Fulbright	McClellan	Watkins
George	McFarland	Wiley
Gillette	McGrath	Williams
Green	McKellar	Withers
Hendrickson	McMahon	Young
Hickenlooper	Maybank	
Hill	Morse	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] for himself and the Senator from Vermont [Mr. AIKEN] to the amendment offered by the Senator from New York [Mr. IVES] to the original text of the bill.

Mr. DONNELL. Mr. President, I had intended to ask recognition, and have done so, but a few moments ago the Senator from Florida [Mr. PEPPER] expressed a desire to speak briefly, and I think he desires to speak. At the moment I do not see him on the floor.

Mr. MURRAY. Mr. President, the Senator from Florida just stepped out of the Chamber.

Mr. DONNELL. I now see him on the floor.

The PRESIDING OFFICER. Does the Senator from Missouri yield the floor?

Mr. DONNELL. I am perfectly willing to yield the floor and take my chances upon recovering it.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. PEPPER. Mr. President, I assume the remarks of the able Senator from Missouri will be, contrary to some of the experience which I have had, a little more protracted than my own. I suggested to him that if I agreed to be brief I was sure he would have an opportunity to obtain the floor for the purpose of his own remarks. With his characteristic kindness and courtesy the Senator from Missouri said he would defer and allow me to make a few observations. I do not submit it in the form of a unanimous consent request, but I respectfully hope that the able Presiding Officer will be looking in the direction of the able Senator from Missouri as soon as I have concluded my few remarks.

Mr. President, my own position on this matter was stated when I addressed the Senate on Wednesday last, at which time I said I threw myself wholeheartedly behind the Thomas bill, its author, its principles, and its high purposes. I have not yet had an opportunity to examine the amendment offered by the able Senators from Oregon [Mr. MORSE] and New York [Mr. IVES], and of course I want to regard those amendments with all the candor and courtesy of which I am capable. I do not pass judgment at this time upon them, but I am familiar with the Taft amendment, or the amendment offered by the Senator from Ohio and his associates, the Senator from Missouri [Mr. DONNELL] and the Senator from New Jersey [Mr. SMITH], and I am familiar with the amendment of the Senator from Illinois [Mr. DOUGLAS] offered for himself and his associate, the Senator from Vermont [Mr. AIKEN]. Both of those amendments, in my opinion, preserve the principles and objections of the Taft-Hartley law. Both of them approach the subject of management-labor relations with a sledge hammer or with a drawn sword, rather than with the machinery of peace making and peace. In principle I am not able to dissociate the philosophy and the effective practice of the one from the other.

Why do I say that? It is very clear that the Senator from Ohio has in his amendment added to the President's power in dealing with what is called a national emergency. The Taft-Hartley law, which he fathered, provides for injunction to be obtained by the Attorney General at the direction of the President. He adds now the power of seizure. He offers, in addition to the injunction, or seizure, the remedy of both injunction and seizure, for the Chief Executive, whoever he may happen to be. We are now speaking of the incumbent of a great office, and not of a person. It is a power which I oppose being vested in any Executive until we have further progressed in our solution of the complex and difficult problem of dealing with work stoppages, even when they jeopardize the public welfare, consistently with our American principle of the right of a working man or woman to withhold his or her services from an employer at will.

Mr. President, it is clear that the Taft amendment, if I may so designate it, gives the President the power of seizure, for 60 days, of private plants and facilities, and power to a Government agency to operate such plants and facilities during the period of 60 days. The Taft amendment gives the President the power of obtaining an injunction for a period of 60 days, and it gives him the power of both seizure and injunction for a period of 60 days. It provides for a fact-finding board with power to make recommendations for the settlement of the dispute, as provided in the Thomas bill, but it does not stop with that peaceful and, I believe, protective, procedure of settling industrial strikes. I think it is the Taft-Hartley approach, worsened. It is the wrong way of trying to settle this sort of strife and struggle. Labor hates the injunction with all the bitterness of its painful memory of the past, when it was used as an instrument of labor abuse by those who were unsympathetic to labor's interests.

Is the Douglas amendment any different? The Douglas amendment gives the President the power of seizing a plant or taking custody of the facility and operating it as if it belonged to the Government. The amendment of the Senator from Ohio is not very clear regarding the details of the Government's operation. That is spelled out a little more clearly in the Douglas amendment. I had rather assumed that under the Taft amendment seizure would be exercised in about the way it has been exercised in the past, by the Government becoming technically the employer, the management really operating the plant, subject to governmental supervision. But the Douglas amendment gives to the Chief Executive the power of seizure for 60 or possibly 90 days. It provides that during the time of seizure and operation by the Government the total revenue of the enterprise shall come into the public treasury, the employees, in the course of operation, shall be paid out of those funds, and the cost of the Government operation shall be compensated, and, finally, whatever is left, shall be subject to subsequent disposition.

Mr. President, that is the worst kind of taking over of private enterprise by public authority. It is not only objectionable to labor because it has the incidental power of injunction flowing in the wake of seizure, of which I shall subsequently speak, but it certainly must be obnoxious to management to have its enterprise taken over by the Government, and operated as if it were Government-owned, for a period of 60 or possibly 90 days. Seizure itself is an objectionable procedure. It is not a peaceful approach to the peaceful solution of management and labor strife. Mr. President, a club over the head of management is no better instrument for bringing about industrial peace and the end of management-labor strife, than is a sword over the head of labor.

We propose neither in the Thomas bill, which is generally known to be approved by the Labor Department and the President of the United States.

Not only does the Douglas amendment give the power of seizure, vesting, for all practical purposes, ownership in the

Government of the United States, providing that compensation must be determined upon by management while the property is in the hands of the Government, but it is left to the Government to determine what it will pay the stockholders for the property of which the Government is in possession.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that there is provision for judicial review and full opportunity to have just compensation protected by the judicial process, which exists every time the Government takes private property for public use?

Mr. PEPPER. Yes. The Government first has the prerogative of determining how much it will pay the stockholders for their property which it takes over and operates for 60 or possibly for 90 days, subject to review by the court. I thank the able author of the amendment for adding that qualification. But of what does that remind one? It reminds one of the power of eminent domain. When the Government takes private property for public use it must pay compensation to those whose property is taken. Are we willing to give to the President the power to take other people's property and let them run the risk of getting what it is worth while the Government has it?

I say, Mr. President, the Thomas bill does not propose seizure. It would seem to me that management would join labor in opposing a provision of such severe character as that to which I have referred.

Mr. CAPEHART. Mr. President——

The PRESIDING OFFICER (Mr. FREAR in the chair). Does the Senator from Florida yield to the Senator from Indiana?

Mr. PEPPER. I yield to the able Senator from Indiana.

Mr. CAPEHART. Is it not a fact that under the seizure provision of the amendment we are considering, the Douglas amendment, the workers would be ordered to go back to work just as surely as they would be under an injunction?

Mr. PEPPER. Under the Thomas amendment?

Mr. CAPEHART. No; under the Douglas amendment.

Mr. PEPPER. Oh, yes, certainly.

Mr. CAPEHART. In other words, from a practical standpoint, the workers would be enjoined from any further strikes and would be forced back to work?

Mr. PEPPER. The Senator has anticipated the next step I proposed to take in my remarks, that is, how this amendment would affect labor. I have spoken of it so far from the standpoint of management and proprietorship.

Mr. CAPEHART. Is it not a fact that the so-called Douglas amendment is simply provision, by another name, for an injunction against labor?

Mr. PEPPER. It provides for the power of injunction, and its advocates so admit. That was the next step to which I was coming.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. DOUGLAS. Is it not a fact that the Aiken-Douglas amendment does not provide for the granting of an injunction by a court to compel men to return to work for a private employer? Is it not a fact that it does not provide for an injunction in such a case?

Mr. PEPPER. The Senator is correct in saying that the amendment does not provide for an injunction against workers stopping work for a private employer. But, as has been emphasized, in the first place, it contains no provision for an injunction against anybody. That is one of the silent dangers lurking behind the curtain of the Douglas amendment. It does not appear upon its face. It is behind the scenes, not on the platform in full view of the audience. But the able Senator from Illinois, with his characteristic candor and frankness, told us here yesterday, in response to my inquiry, that in view of the decision of the Supreme Court in the coal case he did believe that once the Government had seized the property, the power of injunction would exist in the President or his agent, if he sought an injunction in the courts. That was the point to which I was coming.

The Senator from Illinois is correct in his implication that there is no express provision, as there is in the Taft amendment, for injunction in any case. But the power, nevertheless, exists by virtue of the premise the amendment lays, that is, giving the Government of the United States the custody and, for all practical purposes, the ownership of the enterprise, and referring to the Supreme Court decision in the coal case, in which the Norris-LaGuardia Act did not restrain or prevent the Government from seeking by injunction to prevent work stoppage of its own employees in respect to its own property, for all practical purposes and effects.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. If the Senator will wait a moment, then I will yield.

The able Senator from Illinois asked me if the Douglas amendment provided for an injunction against workers stopping work for a private employer. If the Senator wishes to emphasize that the right of injunction, for which his amendment is the predicate, applies only to the Government while it has the property in custody, for all practical purposes and ownership, he is correct, but neither does the Taft-Hartley law provide for an injunction at the instance of a private employer, as was formerly the law, prior to the Norris-LaGuardia Act. Under the Taft-Hartley law, as under the Douglas amendment, the injunction could be obtained by the Attorney General, in the case of a national emergency, at the direction of the President, upon application to a district court.

The Taft amendment provides for the same right, the power of the President, after the proclamation of national emergency, to direct the Attorney General to seek an injunction in the district court, and it confers authority upon the court to grant the injunction, should it find the occasion arising.

The only difference is that the Taft amendment provides that the first relief step might be the injunction, that is, it would not be necessary to seize. The Government could go to the courts through the Attorney General, at the direction of the President, and seek an injunction without seizure. Under the Taft amendment the President could seize the property and apply for the injunction, he could seize and not apply for the injunction, he could refrain from seizing and only apply for the injunction. Those are the three options, as it were, available under the Taft amendment.

Under the Douglas amendment, first is the seizure, and the seizure has to be precedent to the power to seek the injunction, but once seizure has been consummated, the power of injunction inevitably flows as a legal matter, and I would venture to suggest that whenever there is an occasion for seizure, the President would no doubt find it necessary also to resort to the possible procedure of seeking an injunction as well.

Mr. DOUGLAS and Mr. TAFT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield, and if so, to whom?

Mr. PEPPER. If the Senators will allow me a moment, I shall yield.

I said the Taft amendment allowed the injunction at the suit of the Attorney General. I meant that the present Taft-Hartley law did that. I say the Taft amendment would make possible the same thing. Under the Taft-Hartley law the general counsel, Mr. Denham, has also had the power to seek an injunction in certain other cases. But under the Taft-Hartley law the employer, as was true before the Norris-LaGuardia Act, did have the right to go into court and seek an injunction as an employer. But we are also concerned about what public officials may do once we give them the power, because the record shows that Mr. Denham, the general counsel—I think I am correct in number, I am not over one or two off at the outside—sought an injunction in 41 cases, and 39 of them were against labor, and two against management. So we are concerned about the conferring of a public power to seek an injunction, which is a violent remedy, in my opinion, not the way to produce industrial peace.

Now if the Senator from Ohio will permit, I shall yield first to the Senator from Illinois, and then I shall yield to the Senator from Ohio.

Mr. DOUGLAS. Mr. President, I wonder if the Senator from Florida was on the floor of the Senate yeterday when this question came up, and when I pointed out that the injunction did not inevitably flow from seizure, but that it was our belief that in the vast majority of cases, once the property had been seized, the patriotism and good sense of the workers would lead them to go back to work without any exercise of the injunction whatsoever. I wonder if the Senator from Florida remembers that.

Mr. PEPPER. Yes; I recall the Senator saying that. If I said the injunction inevitably followed, I was in error.

OSC) is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 74 Trinity Place, New York, N. Y. Respondent Herbert S. Blake, an individual, is the president and active head of OSC; respondents Herbert S. Blake, Jr., an individual, N. Myles Brown, an individual, and Thomas B. Jordan, an individual, are vice presidents of OSC; respondent Paul Weiss, an individual, is treasurer of OSC; and respondent C. C. Gregory, an individual, is secretary of OSC. Among the activities carried on by OSC and its officers is that of managing and directing the activities of a number of trade associations and furnishing various services and facilities to such associations. By contract executed October 29, 1936, OSC undertook to manage the affairs of RSCA subject to the association's board of directors, and also undertook to supply RSCA with offices and facilities for the conduct of its affairs. This contract remained in effect until December 31, 1938, and thereafter was reduced in scope and continued until April 1, 1939, when relations between OSC and RSCA ceased. As heretofore found, certain officers and employees of OSC also served as officers of RSCA.

(1–f) Respondent National Electrical Wholesalers Association (hereinafter frequently referred to as NEWA) is an unincorporated trade association of wholesalers and jobbers of electrical supplies, with its offices in New York City. It has a membership of approximately 200 such wholesalers and jobbers who are engaged in the sale and distribution of electrical supplies, including rigid steel conduit, through some 500 establishments scattered throughout most of the States of the United States. In the conduct of its affairs NEWA has various committees, designated as commodity committees, the members of which devote their attention, for the benefit of the entire membership, to particular classifications of electrical material. One such commodity committee is the rigid-steel conduit committee. Respondents J. G. Johannesen, D. L. Fife, and Alfred Byers have served as chairman, vice chairman, and secretary, respectively, of the conduit committee, and respondents W. S. Blue, W. J. Drury, A. H. Kahn, C. H. McCullough, H. E. Rasmussen, H. O. Smith, L. E. Latham, F. R. Eiseman, W. R. Kiefer, H. B. Tompkins, A. L. Hallstrom, A. S. Reichman, and D. M. Smith have at various times served as members of such committee. Through the activities of this committee NEWA and its members have cooperated with and assisted RSCA and its members as hereafter set forth.

(1–g) Respondent General Electric Supply Corp. is a corporation organized and existing under the laws of the State of Delaware, with its principal offices in Bridgeport, Conn. It is a wholly owned subsidiary of General Electric. Respondent E. B. Latham & Co. is a corporation organized and existing under the laws of the State of New York, with its principal place of business in New York City. Respondent Fife Electric Supply Co. has its principal place of business at 541 East Larned Street, Detroit, Mich. Respondent Columbian Electrical Co. has its principal place of business at 206 Grand Avenue, Kansas City, Mo. Respondent Graybar Electric Co., Inc., is a corporation organized and existing under the laws of the State of New York, with its principal place of business in New York City. Respondent W. T. McCullough Electric Co. has its principal place of business at 317 First Avenue, Pittsburgh, Pa. Respondent Peerless Electric Supply Co. has its principal place of business at 122 South Meridian Street, Indianapolis, Ind. Respondent The Hardware and Supply Co. has its principal place of business at 475 South High Street, Akron, Ohio. Respondent Revere Electric Supply Co. (the concern referred to in the complaint as Revere Electric Co.) is a corporation organized and existing under the laws of the State of Illinois, with its principal place of business in Chicago, Ill. Respondent Kiefer Electric Supply Co. is a corporation organized and existing under the laws of the State of Illinois, with its principal place of business in Peoria, Ill. Respondent Westinghouse Electric Supply Co. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in New York City. Respondent the F. D. Lawrence Electric Co. has its principal place of business at 217 West Fourth Street, Cincinnati, Ohio. Respondent the C. S. Mersick & Co. has its principal place of business at 278 State Street, New Haven, Conn. The respondents named in this subparagraph are wholesalers of electrical supplies, including rigid-steel conduit. Each is a member of NEWA and representatives of each have at various times served on the conduit committee of that association.

Paragraph 2: (a) Each of the respondents named in subparagraphs (4) (1–b), inclusive, of paragraph 1, except as otherwise stated therein, is engaged in the sale and distribution of rigid-steel conduit to and through wholesalers, and pursuant to sales made, transports such conduit, or causes it to be transported, among and between various States of the United States and, in some instances, its territories, possessions, and foreign countries, and maintains, and has maintained, a course of trade in rigid-steel conduit in commerce, as commerce is defined in the Federal Trade Commission Act. These respondents are hereinafter frequently referred to, both individually and collectively, as conduit sellers.

(b) Each of the respondents named in subparagraph (1–g) of paragraph 1 is engaged in the sale and distribution of rigid-steel conduit at wholesale, and in the course and conduct of their respective businesses, pursuant to sales made, transports rigid-steel conduit, or causes it to be transported, between and among various States of the United States, and maintains, and has maintained, a course of trade in such conduit in commerce, as "commerce" is defined in the Federal Trade Commission Act. These respondents are hereinafter frequently referred to, both individually and collectively, as "conduit wholesalers."

(c) The respondents other than those referred to in (a) and (b) above are not individually engaged in the sale and distribution of rigid-steel conduit in commerce but have directed, cooperated with, or assisted conduit sellers or conduit wholesalers in planning and executing the various policies, practices, and methods, as hereinafter set forth. Each of the various conduit sellers and conduit wholesalers is in competition with other conduit sellers and conduit wholesalers to the extent that such competition has not been lessened or restrained by the acts and practices hereinafter described.

Paragraph 3: Rigid-steel conduit (frequently referred to herein merely as conduit) is steel pipe which has been cleaned and galvanized or enameled in order to give it a smooth surface, particularly on the interior of the pipe. Usually made in 10-foot lengths and in sizes having interior diameters ranging from ¼ inch to 6 inches, it is installed in buildings and other construction projects where electrical wiring is necessary in order to furnish a continuous channel or container for such wiring. It is ordinarily put in place during the progress of the construction work and wiring is later installed by drawing it through the conduit. Thereafter, such wiring may at any time be withdrawn or supplemented as circumstances may require.

Paragraph 4: (a) For a long period of years respondent conduit sellers have used a delivered-price, basing-point system of quoting prices for and selling conduit. The manufacture of conduit had its origin a few years before the beginning of the present century. Several of the pioneer producers of conduit were merely agents of steel companies for the purpose of converting pipe into conduit and distributing it. Safety-Armorite Co. and National Metal Molding Co., predecessors of Garland and National Electric, respectively, were converting and selling agents for the National Tube Co., a subsidiary of the United States Steel Corp. The first price card of the series presently in use to announce prices offered by respondent conduit sellers was issued by these converting agents about August 1, 1913, and was designated as card No. 1. Similar price cards were issued by other conduit sellers then in business. These cards quoted conduit prices in terms of cents per foot and stated the Pittsburgh basing discounts from such prices, with provision for reducing the rate of discount and thus increasing the price according to the railroad freight rate from Pittsburgh to the purchaser's destination. Using card No. 1 of the American Circular Loom Co., of Boston, Mass., as an example (Resp. Ex. 257–A), ½-inch conduit was quoted at 8½ cents per foot; the Pittsburgh basing discount on jobbers' carloads of galvanized conduit was 60 percent, so that the price delivered in Pittsburgh was $3.30 per hundred feet. At any destination other than Pittsburgh the discount was reduced at the rate of one-tenth of a point per 1 cent of railroad tariff rate per hundred pounds. Thus, at a destination having a freight rate of 34 cents from Pittsburgh, the discount would be reduced 3.4 points to 56.6 percent, and the delivered price at such destination would therefore be $3.69 per hundred feet. This formula does not produce a price difference between Pittsburgh and other points exactly equal to the freight rate.

(b) In 1924, at about the time the steel companies added Chicago, Ill., as a basing point in the sale of pipe, Youngstown, which had a conduit plant at Evanston, Ill., announced an Evanston base price for conduit $4 per ton higher than the Pittsburgh base, and all other conduit sellers announced identical Evanston base prices. Clayton Mark, which established a conduit plant in Chicago in 1924 and began the distribution of conduit therefrom early in 1925, used a Chicago base price instead of an Evanston base. This did not amount to the general establishment of a third basing point, however, because the freight rates from Evanston and Chicago are the same to all points except locations within the Chicago switching district. The discounts from the Evanston and Chicago base prices quoted by all conduit sellers were two points lower than those applicable to the Pittsburgh base and the same provisions for determining delivered prices at other points according to the freight rates were applied as had previously existed with respect to the Pittsburgh base. The formula used also provided that at any given location the delivered-price quotation of a conduit seller should be based upon Pittsburgh or Evanston, depending upon which base price and accompanying discount produced the lower figure at the purchaser's destination.

(c) Respondent conduit sellers followed the above-described list-and-discount method of determining delivered prices pursuant to their basing-point system until June 1930, when certain alterations cooperatively determined upon were made in the method of calculating such prices. The minutes of a meeting of the Rigid Steel Conduit section of the National Electrical Manufacturers Association on June 4, 1930, attended by representatives of American Circular Loom Co., Central Tube, Enameled Metals, Fretz-Moon, Garland, General Electric, Mohawk Conduit Co., National Electric, Triangle, Walker Bros., and Youngstown show the following action:

"The matter of simplified billing of rigid conduit along the lines of the plan submitted to Mr. Neagle by Mr. Sicard was discussed and it was the concensus of opinion

and make constant progress in all that long period.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield for a question?

Mr. PEPPER. Mr. President, I still want to say a little more about the President's power, but I gladly yield to the Senator from Illinois.

Mr. DOUGLAS. Do I understand that the Senator from Florida therefore is a constitutional homeopath?

Mr. PEPPER. I would not say that I am a constitutional homeopath, but I do have confidence in the durability of America, and among all other indispensabilities I have heard of, I have never heard until recently the Taft-Hartley law or the Taft amendment or the Douglas amendment given priority.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. NEELY. Does not the eminent Senator from Florida think, in view of what has recently happened on this side of the aisle, that we should get a veterinary surgeon instead of a homeopathic physician?

Mr. PEPPER. I think the operational procedure proposed in these amendments is more suggestive of the veterinary than the homeopath, if I may say so.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HUMPHREY. The Senator from Florida was present yesterday during the debate and no doubt heard the discussion in reference to procedures under title III of the Thomas bill in the case of national emergencies, as compared to those under the Taft amendment and the seizure amendment. It was pointed out in the debate yesterday, was it not, that the purpose of the injunction was to hold men on the job?

Mr. PEPPER. That is correct.

Mr. HUMPHREY. With the forlorn hope that the men on the job might negotiate with the employers, which I think was proved not to have occurred.

Mr. PEPPER. That is correct.

Mr. HUMPHREY. It was also pointed out, was it not, in the debate of yesterday that the one provision which had worked without any noticeable failure, or without any failure, to hold men on the job, and which was a part of the collective-bargaining process and enabled the men to bargain with their employers all the time, was the provision of the Labor Railway Act of 1926? Is not that correct?

Mr. PEPPER. That is correct; and the Railway Act carries neither the power of seizure nor of injunction.

Mr. HUMPHREY. Does the Senator know of any instance in which the cooling-off periods of the National Railway Act has failed?

Mr. PEPPER. I know of none.

Mr. HUMPHREY. Does anyone else know of any?

Mr. PEPPER. I have heard none pointed out.

Mr. HUMPHREY. The failure, then, under the National Railway Labor Act was the same kind of failure which happens under the Taft-Hartley injunction—in other words, a failure after the cooling-off period.

Mr. PEPPER. That is correct.

Mr. HUMPHREY. Let me ask this question, in view of what the Senator from Florida has said about the inherent powers of the President. In passing, let me say that the Senator from Florida may have overstated the case. Let us not take the Old Deal prophetic view. We have had Old Testament prophets. Now we have Old Deal prophets. Let us take a look at the facts. Does the Senator from Florida know of any time after the cooling off period under the National Railway Act when an injunction was sought by the President to settle a dispute?

Mr. PEPPER. I have heard of none.

Mr. HUMPHREY. Nor has anyone else heard of any. Why is it that under the Thomas bill, which is almost identical with the procedures under the National Railway Labor Act, it should be assumed that an injunction would automatically follow, when the record of labor peace under the Railway Labor Act, with 23 years of experience, far exceeds the mumbo-jumbo, double-talk, and failure of two years of the Taft-Hartley law?

Mr. PEPPER. I wish to make it perfectly clear that I have never intended to express my own opinion that the injunction would inevitably follow the seizure which would be authorized by the Taft amendment or the Douglas amendment, which I am sure the Senator would agree would change the situation. I never intended to say other than that the President certainly would have the power to seek an injunction against a work stoppage. All I have said was that I felt sure that the President of the United States, especially when he has constant access to the Congress, with all the legislative power which it possesses, and the vast reservoir of public opinion in America, could save America without the Taft-Hartley law, the Taft amendment, or the Douglas amendment.

The Senator from Minnesota is corroborating very ably what I have been trying to say by pointing out that there is nothing more essential to the national safety and health than the gigantic, complicated, multiple transportation facilities of the country; and yet the President has never had to resort to an injunction to settle a strike or work stoppage upon the railroads. I realize that, of course, the President did feel it necessary to make legislative recommendations. He did indicate that he might use the Army and the Navy. No one denies that he has that power. I remind my able friends, who are so much concerned about the collapse of the country if their amendments are not adopted, that no one denies that the President of the United States has a power which we have not attempted to limit or define, in the use of the armed forces of the country in the national interest.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. Just a moment. The President used the armed forces long ago, when Grover Cleveland was President, to get the mails through. I am not speaking about the propriety of his use of the armed forces. I am speaking about the power which he has. He used the Army of the United States to get the mails through to their destination. I have no doubt whatever that if there were a work stoppage and the President of the United States ordered the Army, the Navy, or the Air Force to perform a certain function, they would obey, and no one would question his power to order them to do it. Whether there would be any liability or any claims before Congress for compensation, and that sort of thing, I cannot say; but I do not know of any power of Congress to stop the Chief Executive from using the armed forces to protect the national interest.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. PEPPER. Let me finish this thought. I am only saying that there is a vast, unexhausted, undescribed, and undefined power in the Chief Executive to save America.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. Just a moment. There are those who believe that the Taft-Hartley law, the Taft amendment, or its first cousin—I think the kinship is closer than that; I should say its brother amendment—is essential to the safety of the country. I say that I am convinced that it is not essential that America stand with no more secure protection between it and collapse than either of those amendments, or that piece of legislation.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President——

Mr. PEPPER. Let me yield once more to the Senator from Minnesota.

Mr. HUMPHREY. I should like to ask the Senator from Florida if the largest single enterprise in America does not happen to be the one to which he referred, the transportation enterprise.

Mr. PEPPER. I believe it is.

Mr. HUMPHREY. What is the Senator's recollection as to how the last national emergency in transportation was settled? Was it by injunction?

Mr. PEPPER. It was not.

Mr. HUMPHREY. Was it through the courts?

Mr. PEPPER. It was not. It was settled by the President making recommendations to Congress and speaking over the radio to the American people, proposing to use his executive authority, without the Taft-Hartley law, without the Taft amendment, and, if I may say so, without the Douglas amendment.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. PEPPER. I yield.

Mr. HUMPHREY. Is there anything in the Thomas bill which denies the President the right to come before the Congress? Is there anything in the Thomas bill which denies the President the right to use all the force of public opinion he can muster? Is there anything in the Thomas bill that has not worked? I am sick and tired of listening to the false prophets of disaster and failure. We have had 2 years of failure under the Taft-Hartley Act. Is there anything in the procedures of the

Thomas bill which has not worked for 23 years, as compared to the 2 years of total failure on the part of the national emergency procedures of the Taft-Hartley Act?

Mr. PEPPER. I can put it a little more strongly, in answering the Senator's question. The principles of the Thomas bill are the only things that have worked, either under the National Railway Labor Act or under the Taft-Hartley Act. While injunctions have been obtained under that purported authority, I think the evidence is conclusive—certainly almost so—that the effective way by which the dispute was settled was conciliation, negotiation, or arbitration, without the injunction being the decisive instrument for the solution of the strike.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CAPEHART. Is it not a fact that under the Douglas amendment at the end of 60 days we would have no law; and if the strike were not settled by that time the President of the United States would have to settle it, or the strike would have to continue?

Mr. PEPPER. The Senator is correct. The Senator well points out that neither the Taft amendment nor the Douglas amendment provides for anything beyond a very limited time; and they offer utterly no remedy for the strife thereafter. I say that it is better to start with the Thomas bill and its peaceful procedures, and all the good will which it would promote, with the probability of a settlement of the dispute by a competent Presidentially appointed tribunal appealing to public opinion and to the sense of justice of the parties, and with final resort to the Congress, than to adopt these violent procedures, or to have them available at the very inception of the Presidential action.

Mr. CAPEHART. Why is it not better to permit the President of the United States to settle the strike at the beginning? Why wait 60 or 90 days?

Mr. PEPPER. I do not know that under any law the President would have to resort to those procedures. I suppose, if he chose to do so, he could decline to request the Attorney General to seek an injunction, and bring the matter immediately to the attention of the Congress. He always has that authority under the Constitution.

Mr. CAPEHART. In the case of a strike interfering with the national defense and the public safety and health, if the strike continued for many weeks the President would eventually have to take some sort of action. Why not permit him to take action the first day, or the twentieth day, or any day he cares to act.

Mr. PEPPER. Permit him to do it?

Mr. CAPEHART. To use his inherent right to stop a strike.

Mr. PEPPER. Whatever inherent rights he possesses, I suppose he possesses from the first day of the dispute.

Let us see, under the Thomas bill, what are a few of the powers of protecting the national interest. They are all the vast powers of the President, whatever they are, numerous and momentous as they are. Then there is always the access which the President has to the Congress of the United States, with all the legislative power it possesses under the Constitution. No less imperative, no doubt, no less effective as an instrument of persuasion, is American public opinion. After that, we have the interest of the parties who profit nothing from strife, but who gain only from peace. Management wants its property and its profits. Labor wants its jobs and its wages. The public wants the output of their common efforts. So, Mr. President, to say that the Nation is helpless without the Taft-Hartley Act or the Taft amendment or the Douglas amendment is to misunderstand or misread history—is to fail to comprehend the vast reservoirs of power for the solution of these disputes.

Mr. President, I had not intended to trespass so long upon the generosity and kindness of the Senator from Missouri, but I wished to point out the kinship of the Taft amendment and the Douglas amendment and what each one of them would do to management and labor, and also the detriment which I believe each offers to the public, the erroneous approach to the problem of which each is the expression; and I wished to reiterate my hope that we may have a trial, for a reasonable time, of the Thomas amendment, which I believe does offer the most effective, the most persuasive, and the most characteristically American approach to the solution of this very difficult problem.

Again, Mr. President, I wish to thank most warmly my distinguished friend the Senator from Missouri for his generosity and kindness in yielding to me, and I hope that he may soon have an opportunity to present his remarks.

Mr. DONNELL obtained the floor.

Mr. THOMAS of Utah. Mr. President, will the Senator yield to me for a minute or two?

Mr. DONNELL. I yield.

Mr. THOMAS of Utah. Mr. President, I have had prepared a brief history of the national emergency disputes under the Taft-Hartley Act. Since this is probably the best point at which to have that history inserted in the RECORD, so that all Senators may refer to it and use it, regardless of whether they wish to use it in the debate, I now ask unanimous consent, if the Senator from Missouri does not object to my doing so, to have inserted at this point of the RECORD, as a part of my remarks, a statement prepared at my request concerning the national emergency disputes under the Taft-Hartley Act.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL EMERGENCY DISPUTES UNDER TAFT-HARTLEY ACT

I am inserting in the RECORD a statement based on a chronological account, prepared by the Bureau of Labor Statistics, of the labor disputes in which the national emergency provisions of the Taft-Hartley Act were invoked. This chronology, I think, will effectively illustrate how the Taft-Hartley Act national emergency procedures failed to avert or contribute substantially to the settlement of these disputes.

MEAT PACKING DISPUTE

The strike deadline in this dispute was March 16, 1948. On March 15, 1948, the President appointed a board of inquiry. The board reported to the President on April 8, 1948. In the meantime the strike had commenced on March 16, 1948, the date set for it. The President did not invoke the injunction procedure inasmuch as the expected national shortage of meat supplies had not materialized. The strike, despite determined mediation efforts by the Conciliation Service, continued until May 21 in the case of four of the five companies involved and until June 5 in the case of the fifth company.

In this dispute the work stoppage continued for 43 days in the case of four companies and 58 days in the case of the other one after the board's report to the President. The continuation of the strike for long periods after the report of the board illustrates the failure of such reports, unaccompanied by recommendations, to mobilize public opinion behind the settlement of the controversy, which apparently was the purpose of Congress in requiring board inquiry reports to be submitted and made public.

ATOMIC ENERGY DISPUTE

A strike was threatened.

A board of inquiry was appointed by the President.

One hundred and two days elapsed from appointment of the board to final settlement of the dispute by the parties.

All of the emergency procedures were used: First report of board of inquiry; injunction; second report of board; last-offer ballot; injunction discharged.

The dispute was still unsettled.

The Conciliation Service reported: "Apparently the imminence of the discharge of the injunction did not have the effect of producing a settlement" (p. 41).

Immediately after discharge of the injunction the parties were reconvened in joint session by the Conciliation Service.

Within 4 days after discharge of the injunction the parties' negotiations resulted in an agreement ending the dispute.

The Conciliation Service reported: "It cannot be said that the period of the injunction contributed materially to the final settlement, if at all. That settlement was 'bargained out,' with the aid of the Service and without utilization of extraordinary statutory procedures" (p. 42).

BITUMINOUS COAL MINERS PENSION DISPUTE

On March 15, 1948, the work stoppage began. Eight days later, March 23, 1948, the President appointed a board of inquiry. Sixteen days after the start of the stoppage, March 31, 1948, the board reported to the President. On the twentieth day a 10-day restraining order was issued by the United States District Court for the District of Columbia, which failed to cause the miners to return to work. On the twenty-seventh day, Speaker MARTIN suggested the appointment of Senator ERIDGES as neutral trustee of the pension fund, vice Mr. Thomas E. Murray, who had resigned as the result of the failure to agree on the disposition of the fund. On the twenty-ninth day Senator BRIDGES proposed a plan which was adopted over the dissent of the employer trustee. On the thirty-sixth day the union and Mr. Lewis were found in criminal and civil contempt of court and heavily fined. On the thirty-eighth day the 80-day injunction was issued, and on the forty-first day the miners started back to work.

The national emergency procedures appeared to have little effect on the settlement of this dispute. It was only after the plan of distribution was upheld by judicial action that the dispute was settled, and then the settlement was achieved in a matter of hours.

PACIFIC COAST MARITIME DISPUTE

The emergency procedures were exhausted; a strike began immediately after discharge of the injunction and lasted for about 3 months.

A board of inquiry was appointed by the President 12 days in advance of the strike deadline.

The board reported without recommendations 4 days before the strike deadline, but the dispute was not settled.

An injunction was secured 1 day before the strike deadline.

Bargaining negotiations were not profitably conducted during the injunction period. The Conciliation Service reported: "The final report of the board of inquiry * * * observed that the employers and unions * * * regarded the injunction period as a warming up rather than a cooling off period" (p. 56).

The injunction was discharged on September 2, after 80 days, as required by the act, even though the dispute was not settled.

The strike began 1 day after the discharge of the injunction and lasted until November 25, almost 3 months later, when settlement was finally reached.

BITUMINOUS COAL MINERS CONTRACT DISPUTE

On June 19 the President appointed a board of inquiry to report on the coal contract dispute over wages and other conditions of employment. Hanging over this dispute, however, was the dispute over the activation of the welfare plan and after the court handed down its decision validating the distribution of the fund agreed upon by Trustees Lewis and Bridges, bargaining began on the other issues and an agreement was quickly reached—in a matter of 2 days.

Here, as in the case of the pension dispute, it can hardly be said that the Taft-Hartley Act contributed to the settlement of the dispute.

ATLANTIC COAST LONGSHORE DISPUTE

As the Conciliation Service reported:

"In most respects * * * the pattern of development in this dispute parallels that involving the maritime dispute on the Pacific Coast" (p. 54).

"This case (stated the Service, p. 53) furnishes another instance of a national emergency dispute in which * * * there was no substantial progress made toward a settlement during the injunction period; all of the procedures of the act (including the ballot on the last offer of the employers) were resorted to without success; a strike occurred after the discharge of the injunction; and the dispute was settled at long last after many meetings between the parties, aided by mediators."

The strike began immediately after discharge of the injunction on November 9, and continued for 16 days until agreement was reached on November 25 after continuous mediation efforts by the Conciliation Service.

TELEPHONE DISPUTE

A national emergency was declared and a Board of Inquiry appointed on May 18. On June 4, before the Board had taken any action, a settlement of the dispute was reached by the parties.

The mere appointment of a Board of Inquiry reestablished the bargaining relationship of the parties which had been interrupted by the refusal of the employer to give assurances that during the negotiations the status quo with respect to working conditions would be maintained. The settlement in this case, however, was effected by the parties themselves. Title III of the Thomas bill provides procedures which are designed to insure conditions under which the parties will be induced to settle disputes. The emergency boards provided by the Thomas bill would not only investigate the dispute but would also be charged with the duty of seeking to induce the parties to reach a settlement.

Mr. DONNELL. Mr. President, at this time we are discussing a subject of the utmost importance, and I am sure all of us realize its gravity. Although now and then some levity comes into the debate, yet, after all, this afternoon we are dealing with the subject of national emergencies which imperil the national health and safety. Therefore it is important that the Senate give careful, detailed, and conscientious consideration to this grave question.

In the course of this debate we have been told from time to time that it is easily possible to conjure up a national emergency when none exists. We have been told that during the life of the Taft-Hartley law there has been a tendency to see in given situations national emergencies which had not previously been perceived in like situations.

I dare say that almost all the people of the United States remember all too well the tremendous fear and apprehension which were upon this Nation when the great railway systems of our country were about to be closed down, and, in fact, were closed down. So, this afternoon, when we discuss national emergencies, we need not consider that Great Britain or some other foreign country is the only nation which may be called upon to experience such conditions of suffering, tragedy, and death. In our own Nation many persons, including some of the Members of this very legislative body of the Government of the United States, recall all too well the railway strike and the tense situation which developed in the Congress when some of the present Members of the Senate, listening on the radio in the lobby of this Chamber, heard the address of the President of the United States in which he demanded the enactment of legislation under which men might be drafted into the service of our country in order to operate the transportation facilities. I dare say that under those circumstances, with our memory—brief though it may be—refreshed by that illustration, we shall not be inclined to depreciate the importance of national emergencies. Certainly we should not do so. In a national emergency, three parties are involved. In addition to the two parties which frequently have been mentioned in the course of this debate, namely, management, on the one hand, and labor, on the other hand, there is the great public, to which the Senator from Wisconsin [Mr. WILEY] alluded this afternoon.

So, Mr. President, in considering the problem now before the Senate, I view it not alone from the standpoint of management and not alone from the standpoint of labor, although I shall try to examine it from both those standpoints, but also from the great standpoint of the interests of the fathers and mothers and children and businesses and the great economic situation, the very economic life of our country which is involved in the subject of national emergencies.

Reference has been made from time to time, somewhat casually at times, to the atomic-energy situation in our country. Mr. President, do we realize that in the atomic-energy plants, or particularly the one which has been mentioned in our hearings—that at Oak Ridge, Tenn.—there was afforded an illustration, but a few short months ago, of the possibilities of a grave national emergency's developing, and developing rapidly, an emergency which required action, which the President realized demanded action, and as to which he himself placed in motion, as I understand, the processes of the Taft-Hartley Act in order to preserve the interests of the Nation?

I was told on reliable authority, only a few weeks ago, and I happen to have in my hand now the pencil notes I made at or about the time when I was so informed, that work stoppage at any one of several places in the atomic-energy program for any period of time comparable to the time usually consumed by a work stoppage would be very devastating to the national defense. We are not at war; certainly we are not in war of a shooting nature; yet it may well be that the closing down of a great plant such as the atomic-energy plant might cause us to lose the very advantage of carrying on that manufacturing process, and that development might subsequently reflect itself to the great disaster of our Nation.

So, Mr. President, this afternoon as we discuss these proposed amendments—and, I, too, am glad that so friendly an attitude, generally speaking, has been shown upon the floor of the Senate—I want the RECORD to show recognition on the part of Senators of the fact that we are discussing a matter which, from the economic standpoint, and from other standpoints as well, may mean life or death to our Nation.

I was impressed this afternoon by the vivid and eloquent remarks made by some of our colleagues, particularly with respect to the great power which the President is supposed to possess to secure an injunction from the courts of equity to prevent the carrying on of a great strike involving a national emergency and imperiling the lives and safety of our people and their health. It occurred to me, as it has to all of us, if the President has such great power, such ability to protect the interests of our country by injunction, why is it that the framers of the original Thomas bill and the amendment to the Thomas bill which is now pending have so studiously stricken out the provisions of the Taft-Hartley Act which definitely and clearly gave him such power and defined it? Why was it necessary to leave it out? If he possesses the power, where is there any objection to saying so upon the statute books of the United States of America? Why is it, Mr. President, that if the amendment of the Senator from Illinois carries within it what was described so vividly by the Senator from Florida as being something lurking behind the curtain, namely, the power of the President to cause an injunction to be issued, why is it that the amendment presented by the Senator from Illinois does not say so in so many words?

When this Nation shall again face, if it ever does, a grave national emergency

imperiling the public health and the safety, the people of the Nation as I see it would feel far more secure, far more safe, far more confident that their interests would be protected against economic paralysis and physical death, in some instances, if they could rely upon something definite and certain in the statutes of the United States, rather than upon the prospective result of a lawsuit which very likely would be bitterly contested in the courts from the beginning until the end.

The framers of the Thomas bill had before them the Taft-Hartley Act. They omitted the provision by which the President was expressly given power to apply for an injunction. Yet they tell us, with the learning and industry which characterize the distinguished chairman of the committee, that the President possesses all this power. I for one would feel better satisfied to see it in black and white in the statute than to have to wait until an emergency arises, when the national health and safety are imperiled, and then have the President file a suit, or cause it to be filed, and be compelled to wait and find out whether the courts would hold that he possesses the power, or whether the Congress, by repealing the express grant of that power or by its express statement, had indicated a desire that he should not have it.

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. DONNELL. I yield.

Mr. LONG. I should like to ask the Senator a question. He indicates that the power of injunction would take care of a national emergency. But suppose the President actually obtained an injunction ordering laborers to return to their work, and the laborers refused to obey the injunction. Would not the situation be the same as if he had no right of injunction at all?

Mr. DONNELL. Mr. President, of course, if labor should refuse to abide by the orders of the court, we would be in a condition of virtual chaos. But I call the attention of the distinguished Senator from Louisiana to the fact that in this country we are not remediless under such circumstances. I call to his attention the remarks made by the Supreme Court of the United States in 1946 in the coal miners case, where the Court, pointing out what Mr. Lewis' conduct was, said:

This policy—

That is to say, the policy of Mr. Lewis, the policy which the Court says was a policy of defiance—

This policy, as the evidence showed, was the germ center of an economic paralysis which was rapidly extending itself from the bituminous-coal mines into practically every other major industry of the United States. It was an attempt to repudiate and override the instrument of lawful government in the very situation in which governmental action was indispensable.

So, in answer to the distinguished Senator I would say, of course, if the people of the United States refused to abide by the Government—and the courts are just as much a part of the Government as is the office of the President or as is the Congress of the United States—we would have virtually a condition of anarchy. But I am glad to know that we have courts with the strong right arm which the Supreme Court possesses, which can impose a fine upon a man such as the leader of the workers in the coal industry back in 1946, and can compel those men to obey the law or stand the consequences. We are concerned with the interests of the public as well as those of labor and management.

I have heard here this afternoon glowing eulogies with respect to the Railway Labor Board, under the Railway Labor Act. While I cannot with exactness quote the language of the last few minutes uttered by one of the Senators upon the other side of the aisle, with respect to the absence of injunctions and the fine operation of that act, and while I am not here to denounce the Railway Labor Act for I concede that act has had many beneficent results. Yet, as was pointed out yesterday on the floor of the Senate the fourteenth annual report of the National Mediation Board, which is the Board under which the Railway Labor Act is operated, uses two significant sentences. The first points out the achievements under the act. It says:

To place this strike record in proper perspective, it should be pointed out that it is matched by 172 peaceful settlements effected through the use of mediation or arbitration.

Then Mr. President, remember the next sentence or two of this very Board itself, which is making its report to the Senate and the House of Representatives. It says:

But peaceful settlements do not, however, make up for the instances in which stoppages occurred. It is not a good record, and it does not bode well for the future effectiveness of the Railway Labor Act.

That was the expression of the National Mediation Board in its official report of 1948 for the fiscal year ended June 30 of that year.

We have heard much said this afternoon about the absence of strikes in the railway industry. Yes, I am glad to know that we have had but very few illustrations of the tremendous paralysis that comes upon a nation by a tie-up of its transportation facilities. But may I read a short excerpt from this same report, which will recall to our mind the incidents of 1948? I am not talking now about the strike of 1946, when, the report says, locomotive engineers, trainmen, and yardmen left their jobs and the operation of our giant networks of railways came to a halt. I am not emphasizing in what I am about to say, this further comment of the National Mediation Board with respect to 1946, when the Board said:

The effect was immediate, paralyzing, and Nation-wide.

That was the situation in 1946. Yes, some of us thought that would never be repeated. But what happened in 1948, just 2 years later—yes, just last year? Let me read a few words from the Fourteenth Annual Report of the National Mediation Board:

After declining to accept recommendations for settlement made by a Presidential Emergency Board, the organizations—

That is to say, Mr. President, the railroad organizations, the unions—

the organizations set a strike date for 6 a. m., May 11, 1948. To forestall this action, extraordinary measures were invoked to prevent a Nation-wide tie-up in rail transportation. The President issued an executive order—

A footnote gives its number. It is 9957, of May 10, 1948—

whereby operation of the railroads was taken over by the Secretary of the Army. In taking this action the President called upon every railroad worker to cooperate with the Government by remaining on duty, and stated:

"It is essential to the public health and to the public welfare generally that every possible step be taken by the Government to assure to the fullest possible extent continuous and uninterrupted transportation service. A strike"—

Said the President—

"on our railroads would be a Nation-wide tragedy with world-wide repercussions."

Then, what does the Board continue to say in its report regarding this situation? Says the Board:

Notwithstanding the above action, the threatened strike order was not canceled, whereupon the Office of the Attorney General applied to the United States District Court for the District of Columbia for a restraining order. A temporary order was granted on May 10, and—

I emphasize the next three words which follow—

as a result, the threatened strike was called off.

Mr. President, there we were confronted by the danger of a national tragedy, with world-wide repercussions. Possession of the railroads had been taken; the President had issued his call; the Emergency Board has operated, and, yet, there was a refusal on the part of the employees to call off the strike. I have read the official record of what the Board states as to what transpired.

This afternoon we are confronted, as I say, by the possibility of grave Nation-wide national disaster imperiling national health and safety, and various remedies are proposed. It is helpful and healthful that they have been proposed, so that the Senate and the other House of Congress may give attention to them. The first one of those remedies is the one proposed in the pending bill itself, that is to say, Senate bill 249, the one entitled "Amendments," but which by consent has been considered to be the actual bill for purposes of amendment.

What does it provide, in substance? I shall not read it all, but section 301 provides:

Whenever the President finds that a national emergency is threatened or exists because a stoppage of work has resulted or threatens to result from a labor dispute (including the expiration of a collective-bargaining agreement) in a vital industry which affects the public interest—

He shall do what?—

he shall issue a proclamation to that effect and call upon the parties to the dispute to refrain from a stoppage of work, or if such

stoppage has occurred, to resume work and operations in the public interest.

So far, so good. What then occurs? After issuing such a proclamation the President shall promptly appoint a board to be known as an emergency board. This board is required to seek to induce the parties to reach a settlement of the dispute, just as the Railway Board in 1948 sought, as I have indicated, actively, but unsuccessfully, to secure a settlement of that dispute. Then the Thomas bill provides that in any event the Board, within a period of not more than 25 days after the President shall have issued his proclamation, shall make a report to the President, unless the time is extended by agreement of the parties, with the approval of the Board. This report includes the findings and recommendations of the Board.

Then it is provided that after the proclamation, to which I have referred, is issued, and until 5 days have elapsed after the report has been made, a maximum of 30 days, as it will be observed, after the issuance of the proclamation—

The parties to the dispute shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute unless a change therein is agreed to by the parties.

Up to this point it will be observed that there is no provision by which, in the event of refusal or failure on the part of the parties to the dispute to agree, the Government can do anything. But a ray of hope comes into our minds as we read the hearing of the next section—"Powers of the Emergency Boards." We begin to hope that there is some power vested in the Emergency Board by which the interests of the public may be preserved in the event that the parties to the dispute shall not come to an agreement. It is provided in these powers that a separate emergency board shall be appointed for each dispute. It states that the provisions of section 11 of the National Labor Relations Act shall be applicable, namely, the powers of subpoena and investigation of one kind or another. Then it is provided that any board appointed under this section may prescribe or adopt such rules and regulations as it deems necessary to govern its functions.

Then we find that there is a strange hiatus, that there is nothing further set forth as to the powers of the board except to prescribe and adopt such rules and regulations as it deems necessary to govern its functions. It is provided that the members of the boards shall receive compensation at rates determined by the President, and traveling expenses, and when a board appointed under this section has been dissolved, its records shall be transferred to the Secretary of Labor.

Mr. President, the gleam of hope which had come into our minds momentarily at the expression "powers of emergency boards" has evaporated, for no power, save to adopt rules and regulations, is conferred by section 303 upon such emergency boards. This is the provision, and the only one, in the Thomas bill, the main bill before the Senate this afternoon for consideration. Perhaps I want to see things done in black and white more than do some persons, but I, for one, after we have had a law on the statute books for 2 years providing that the President shall have power to take action in the event of national emergencies, would feel far more comfortable to have the statute set forth that he shall continue to have those powers, than to have the act which prescribes them repealed and replaced by one which gives no powers to the Board except to come together, to seek to induce the parties to reach a settlement of the dispute, and to adopt rules and regulations governing its functions. That is the remedy proposed in the Thomas bill.

Reference was made yesterday, and again today, to the opinion rendered by the Attorney General of the United States, the Honorable Tom Clark. I shall not undertake to repeat it. We know its substance back and forth. It is set forth in the proceedings of the committee, if any Member of the Senate desires to read it, at page 261 and following. But while we are told with much eloquence that the power of the President is so great, and while the Senator from Florida this afternoon said that this opinion of the Attorney General is to the effect that the President possesses the power to secure an injunction, curiously enough I find that yesterday, in the debate on the floor of the Senate, the distinguished Senator from Illinois [Mr. DOUGLAS] raised the question as to whether there was anything in the opinion of the Attorney General which explicitly stated that the President had any such power. For a moment let me read what the Senator from Illinois asked. I quote from page 7803 of the RECORD. He said:

I should like to ask the Senator from Ohio where in anything he has read—

The Senator from Ohio had been reading from the opinion of the Attorney General, and his letter, as set forth at the pages of the proceedings I have indicated. The Senator from Illinois said:

I should like to ask the Senator from Ohio where in anything he has read there is the explicit statement that the President has the power to go into court and secure an injunction to compel men to work for private employers.

Then after some further colloquy the Senator from Illinois repeated his question in substance. He said:

I should like to ask the Senator from Ohio if he can find any statement by the President of the United States or by the Attorney General that the Federal Government has the power to obtain an injunction in private disputes?

Mr. President, what sort of certainty is there going to be in the minds of the American people if the Thomas bill shall be passed, when a distinguished Senator on the floor of the Senate, who is presenting one of the amendments to be voted upon very shortly, the Senator from Illinois, raises in one breath the question as to whether there can be found any statement by the President of the United States or the Attorney General of the United States that the Federal Government has the power to obtain an injunction in private disputes, and then, on the other hand, we are assured by the sponsor of the bill, the Senator from Utah, that the President possesses this great residuum of inherent power?

I cite these facts as indicating the bewilderment, the uncertainty, the vagueness, which will reside in the minds of the people if the Thomas bill shall be passed with simply the expression that the President shall ask striking workers to return to work and remain at work. I say that the people will experience a bewilderment and uncertainty and a vagueness of mind with respect to what is the situation which would arise, as to how their interests could be protected should a great national emergency arise from a labor dispute.

If a grave national emergency were to arise this very afternoon, it would be found that the Taft-Hartley law is clear upon this phase, and points out the power the President has, under its very terms—a power which, acting under its terms, he has exercised on some six occasions, I believe the number is, since the act was passed. But not so if the Thomas bill should be enacted.

Mr. President, in addition to the remedy which is proposed by the Senator from Utah, we have the so-called Douglas-Aiken amendment, the amendment offered by the Senator from Illinois and the Senator from Vermont. That amendment is several pages in length, and I shall not trespass on the time of the Senate to read it in extenso, but the gist of the amendment is that "after a Presidential proclamation has been issued"—namely, a proclamation to the effect that the President finds that a national emergency is threatened or exists because a stoppage of work has resulted, or threatens to result, from a labor dispute—"and until 60 days have elapsed after the report has been made by the board"—the report which is required under the Thomas bill—"the parties to the dispute shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute unless a change therein is agreed to by the parties."

There is no provision in the Douglas-Aiken amendment thus far by which, in the event of failure on the part of the parties to abide by this admonition, any court or anyone else is given the power to protect the interests of the public.

Then we find a gleam of hope again arising in our minds as we read the heading above section 303 (a), "Powers of emergency boards," the same heading which appears in the Thomas bill. Here in the Douglas-Aiken amendment is a provision for the appointment of a separate emergency board for each dispute by the President. Then there is a provision in regard to the applicability of the section of the National Labor Relations Act with respect to the investigations, and so on. Then there is this further provision of section 304 (a):

After a Presidential proclamation has been issued—

Of the type which I have described—

if the President finds a failure of either or both parties to the dispute to observe the terms and conditions contained in the proc-

lamation, or an imminent threat of such failure, the President is authorized to take possession of and operate through such agency or department of the Government as he shall designate any business enterprise, including the properties thereof, involved in the dispute; and all other assets of the enterprise necessary to the continued normal operation thereof.

Then there are various mechanical provisions, as to the receipts and disbursements and a provision as to the length of time of the possession. Then the amendment reads:

Provided, That, possession by the United States shall be terminated not later than 60 days after the issuance of the report of the emergency board unless the period of possession is extended by concurrent resolution of the Congress.

Mr. President, this is the provision of the Douglas-Aiken amendment to the proposed act. What is it this amendment gives to us? It gives nothing except the provision for seizure by the United States Government. But there then arises, of course, the question, suppose the employees fail or refuse to work for the United States Government, and we look into the Douglas-Aiken amendment to find what the right of the public would be in such event. Here again we find a strange silence, nothing stated. Yesterday on the floor of the Senate, it is true, we were given certain assurance by the Senator from Illinois [Mr. DOUGLAS] in a colloquy between him and the Senator from Vermont [Mr. AIKEN], the coauthor of the amendment. I read from the colloquy:

Mr. AIKEN. I think it goes without saying that the employer does not want his plant seized. The difference between the Taft amendment and the Douglas amendment is that the Taft amendment provides that the President may use injunction or seizure, whereas the Douglas amendment provides that the President may use seizure, and, I assume, injunction, if necessary, after seizure.

Mr. DOUGLAS. That is correct, but he could only use injunction if seizure did not work. He could not use it to force men back to work for the private project of private employers. But we do not believe it would be necessary to use the injunction after seizure.

So we were assured by the two authors of the amendment, the Douglas-Aiken amendment, that injunction would lie. Yet, just as is the case with respect to the Thomas bill, while its proponents claim that there is a reservoir of power under which the injunction can be granted, there is nothing from beginning to end in the Douglas-Aiken amendment which specifically says that such an injunction can be issued. What is the reason for the strange silence? What can be the underlying motive behind allowing such silence to prevail in the case of both amendments? Both amendments, that of the Senators from Illinois and Vermont, and the amendment of the Senator from Utah, involve, of course, the idea of the repeal of the Taft-Hartley Act, but they fail to give any definite assurance whatsoever as to what will happen in the event the employees shall fail to remain at their jobs in the case of grave national emergency.

Mr. President, there are various other points I might mention about the Douglas amendment. One of them was mentioned yesterday by the Senator from Ohio, namely, the obvious effort to hold down the amount of compensation which would be payable to the owners of a business upon the return of the business to them. But I shall not go into the details of the amendment further than I have this afternoon.

The next proposed remedy for this situation of grave public national emergency is the plan submitted by the Senator from New York [Mr. IVES]. What is that plan? I hold it in my hand. It provides likewise that the President shall appoint an emergency board. All the amendments contain a similar provision. The Taft amendment also provides for such a board. The emergency board is to investigate the dispute. Then the President makes his proclamation with respect to the gravity of the situation. Then it is provided in the Ives amendment:

At any time after issuing a proclamation pursuant to section 301 the President may submit to the Congress for consideration and appropriate action a full statement of the case together with such recommendations as he may see fit to make.

So, Mr. President, the matter is right back in our laps, just as it is today, except that we will have a concrete case before us in the Congress, to decide what we shall do about it. No court would have acted. No one would have acted to prevent the carrying on of a strike involving peril to national health and safety.

After the President shall have issued his proclamation, he then may submit to the Congress, for appropriate action, a full statement of the case, together with such recommendations as he may see fit to make. That is all there is of the recommendation made by the Senator from New York.

Let us picture the situation which is reasonably to be expected in the event the amendment proposed by the Senator from New York shall be the one which is adopted. Suppose a situation develops in which there is a likelihood of a grave national economic paralysis imperiling the health and safety of the people, and the matter is placed by the President, with his recommendations, in the lap of the Congress of the United States. It sounds very simple to say that the Congress can then decide just what is to be done and take such measures as may be necessary. But let us see how that works. There are two Houses of Congress, with 435 Members in one House, and 96 Members in the other, or a total of 531 individuals, whose ideas will have to be consulted in regard to determining what shall be done. It seems reasonable to expect that one or two or perhaps three different things may happen. One is that both Houses of Congress in their wisdom, will immediately act upon the situation. There we are confronted by the possibility that by immediate action we may make a mistake in the type of action which should be taken.

My observation in the few years I have been a Member of the Senate does not incline me to think that this alternative of immediate action is the one that is at all certain to be followed. We have had a debate on the floor of the Senate now for almost 2 weeks on the labor bill. Suppose the President were to make his recommendations to the House of Representatives, in the face of grave impending economic struggle or strife. Then suppose there come to the Senate the same recommendations. We have here in the Senate, subject only to the cloture provision, unlimited debate. A mere handful of Members of the Senate, however conscientious, however gifted with all the integrity we trust we all possess, might nevertheless tie up for an indeterminant period of time the decision of what shall be done in response to the recommendations of the President.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. DONNELL. I yield.

Mr. LONG. Was not what the Senator speaks of one of the reasons why we adopted the Wherry amendment during the last cloture debate, which would have the effect of permitting two-thirds of the Senators to shut off debate anytime they wished to do so?

Mr. DONNELL. Yes, but under the provisions of the rule adopted—and I have a copy of it in my hand—after such a resolution of cloture shall have been adopted, what happens?

Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate.

So, it is conceivable that if the great majority of the Senators desire to express themselves, each Senator has the right under the terms of even the cloture rule which we adopted, to speak for an hour upon the floor of the Senate. And if only, let us say, 20 or 30 Senators avail themselves of the opportunity for debate, a period of several days would have passed before the Senate of the United States would have acted upon the proposal.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. TAFT. Of course, it would take 2 or 3 days before the debate could begin, because a bill must be introduced, reported by a committee, and then a cloture petition must be filed, and it is necessary to wait two days before the vote on the cloture petition is taken; so that altogether, over opposition, at least it might very well require, under the most favorable conditions in the Senate, a period of a week. Then, of course, action must also be taken by the House of Representatives.

Mr. DONNELL. I thank the Senator from Ohio for his statement.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. LONG. Is it not a fact that actually, in many respects, the threat of legislation is even more powerful than the legislation itself? For example, under the amendment proposed by the Senators from Missouri and Ohio, we know that there definitely would be the opportunity for an injunction to be granted. But if a labor leader said he would go to jail rather than comply with the terms of the injunction, or if he

ordered the workers to go back to work in the mines, assuming there was a mine strike, for example, and they refused to go back to the mines, or if the workers committed acts of sabotage, or would not do what they were told to do, would it not well be necessary to call Congress together and go through the same procedure all over again?

Mr. DONNELL. I think the Senator from Louisiana is exactly correct, that if those involved in the management of the union, those who have power, should refuse to abide by the decision made by the responsible authorities, it would be necessary to go to Congress. But so long as we have courts, Mr. Lewis has found out, and his organization has found out, that the courts can function and do function. I shall have something more to say about that in a moment.

With regard to the efficacy of the mere indeterminate threat of possible legislation as compared with certain definite existing legislation, I should say that to my mind an individual is going to be much more deterred by a statute which says in black and white that if certain facts exist, certain results follow, than he would be by the possibility that the Congress might pass some act, the contents of which he does not know.

Mr. LONG. Mr. President, will the Senator yield again?

Mr. DONNELL. I yield.

Mr. LONG. Would it not be true though that if we had a fact-finding board in the picture, and the fact-finding board recommended that a certain decision be reached by both labor and management, the side which would refuse to accept the recommendations of the fact-finding board would in all probability figure to be the loser if Congress had to act to reach some settlement of the dispute?

Mr. DONNELL. Mr. President, that is a possibility of course. But I take it that our people are entitled to have something on the statute books which says precisely what the powers of somebody are in the event of grave national disaster threatened through economic strife. To my mind it is not at all satisfactory merely to rely upon the probabilities which may or may not come to pass. To my mind it is far better to have a statute which says who has the power, and what that power shall be.

Mr. President, under the plan suggested by the Senator from New York, therefore, with the whole matter put back into the lap of Congress, with a period, as the Senator from Ohio [Mr. TAFT] points out, of several days between the introduction of a bill, its passage by the House, and its consideration by the Senate; with the days which would elapse before it would be possible to secure affirmative action upon a cloture petition, and then the possibility of several days more after the cloture petition could be acted upon, it is obvious to me, at any rate—and I think to almost anyone—that we would not have the promptness, the decisiveness, and the certainty which the people of the country would like to have.

Mr. IVES. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. IVES. Was the able Senator from Missouri present in the Chamber when the junior Senator from New York spoke earlier in the day?

Mr. DONNELL. I was.

Mr. IVES. Then the Senator from Missouri probably will recall that the junior Senator from New York pointed out that no national emergency, with the possible exception of one involving atomic energy, could possibly occur wherein a limited period of work stoppage would in any way endanger anything.

Mr. DONNELL. I have great respect for the judgment and knowledge of my distinguished friend from New York. Yet I am wondering if he was in the Chamber this afternoon when I read to the Senate the observation made by the President of the United States with respect to the prospective Nation-wide strike in rail transportation in 1948. After calling upon every railroad worker to cooperate with the Government by remaining on duty, the President said:

> It is essential to the public health and to the public welfare generally that every possible step be taken by the Government to assure to the fullest possible extent continuous and uninterrupted transportation service. A strike on our railroads would be a Nation-wide tragedy with world-wide repercussions.

Mr. IVES. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. IVES. The junior Senator from New York would like to point out to the very able Senator from Missouri that such a situation would not under any conditions fall within the purview of the statute to which we are now directing our attention. That would come directly under the Railway Labor Act.

Mr. DONNELL. I realize that.

Mr. IVES. Furthermore, the Senator from New York would like to point out that if the able Senator from Missouri would be willing to make an analysis of conditions in the country which might be construed to offer possibilities of provoking a national emergency such as that to which we are now referring, he would find that the number of such situations is rather limited. In fact, it would appear that, aside from the question of atomic energy, which the junior Senator from New York feels should be handled separately in any case, only coal or steel—and there is some question as to whether steel in every instance would fall within this category—or Nation-wide communications, including not only the telephone but the telegraph, and possibly even the radio, or shipping on the various coasts of the Nation—perhaps the two coasts, Atlantic and Pacific—is likely to be a matter which would fall naturally within the purview of the general subject we are discussing. I doubt if there are any others. The junior Senator from New York would like to stress the fact that in no one of those cases is it all probable that a work stoppage would be conducive to imperiling the national health and safety, provided the work stoppage were of limited duration.

Under the provisions of the amendment offered by the junior Senator from New York, the speeding-up process by which this question would be acted upon by the President through the initial operation of the emergency board and brought to the attention of Congress, even though there might be a few days' delay due to discussion in the Congress, in all probability would not in any way imperil the national health and safety.

Mr. DONNELL. I am very glad to have had this interpolation by the Senator from New York. He points out exceptions to what he thinks is the general rule, and which I, too, think is the general rule. In the ordinary case a strike in a carpenter shop or in a construction company probably would not amount to a national emergency. But we are dealing here with situations in which legislation is designed to cover conditions which do involve national emergencies imperiling the national health and safety. The Senator has said that such a condition might arise in connection with shipping. It might arise, he says, in connection with coal, possibly steel; also transportation.

Mr. IVES. No.

Mr. DONNELL. I thought the Senator mentioned transportation.

Mr. IVES. No. I said that transportation falls entirely under the Railway Labor Act.

Mr. DONNELL. I agree that it does. However, I am pointing out some of the things that could arise. Transportation—at least railroad transportation—comes under the Railway Labor Act. I realize that. But, in addition, the Senator mentions communications, the telephone, the telegraph, and even the radio. A work stoppage in one of those industries might have a very severe effect upon the country.

I think it is impossible for us, on this beautiful day in Washington, to visualize the great injury which might result, under some circumstances, from a cessation of the operation of the coal mines. I do not wish to be unduly repetitious——

Mr. IVES. Mr. President, will the Senator yield?

Mr. DONNELL. Not at this moment.

The Senator may recall that I have already read into the RECORD this sentence from the decision of the Supreme Court of the United States in the coal case, in which it comments upon what happened in the coal industry. I read this statement again only because I judge the Senator was not present when I read it before. Speaking of Mr. Lewis, the Court said:

> This policy—

That is, the policy of Mr. Lewis—

> as the evidence showed, was the germ center of an economic paralysis which was rapidly extending itself from the bituminous coal mines into practically every other major industry of the United States.

We have a country in which a stoppage in the operation of the coal mines, or possibly in the operation of the steel industry, may have an effect within a comparatively short time in almost the remotest hamlet in the United States. Certainly it would have an effect upon the larger cities, and from there effects would be radiated into the smaller towns and communities. A work stoppage in

the coal industry might have the effect of causing persons to suffer even death in some cases by reason of the absence of the product of the coal mines.

The Senator from New York has referred to atomic energy. I referred to it this afternoon, while I judge the Senator was not present. To my mind the quotation which I gave from the note which I had in my possession as to the devastating effect upon our national defense which could result from a stoppage of one or several atomic plants illustrates the importance of having something upon which we can act promptly, and without the delay incident to the introduction of a bill, its passage through the House, and then through the Senate, where there would be unlimited debate, subject only to the cloture petition to which reference was made.

Mr. IVES. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. IVES. I should like to ask the Senator from Missouri if he can think of any other industrial areas in our economy, other than the ones mentioned by the Senator from New York, in which a work stoppage might occur by which there would be a national emergency which would imperil the national health and safety?

Mr. DONNELL. I do not know of any others; but to my mind we have had a sufficient demonstration of the fact that in the particular illustrations to which I have referred, and which the Senator from New York concedes could produce national emergencies of the type indicated, there is ample reason for the existence of a statutory protection in the event those situations should arise in particular industries.

Mr. IVES. I wanted to inquire as to the possibilities resulting from a work cessation in the areas to which the Senator from Missouri has just referred, which were the ones mentioned by the Senator from New York. But the Senator from New York would like to ask the able Senator from Missouri whether he feels that a work stoppage in the coal industry, for a period of several weeks, would in any way—for instance, at the present time—imperil the national health and safety.

Mr. DONNELL. Mr. President, at the present time, as I can testify from the fact that I am perspiring at the moment, we are very close to summer weather; so the situation which could result from such a development at this time is far different from that which could result from such a development in the midst of a winter of very low temperatures, if at such a time the coal mines of the country from one end to the other were to close down.

That is not all that might happen. In the decision of the coal mine case from which I have previously quoted, the Court said as to the situation then pending—by the way, in November:

> Mines furnishing the major part of the Nation's bituminous coal production were idle.

I can say there can be situations, and there have been situations, and one was involved in connection with the decision of the Supreme Court, to which I have referred, in which the national health and safety are threatened.

Mr. IVES. Mr. President, I should like to ask the able Senator from Missouri if it is his idea that where a condition such as the one he has been describing is in the offing and is threatening, the President would fail sufficiently in advance to proclaim such a condition and would fail to provide for the creation of an emergency board by which to resolve the dispute which might be in progress, and that the President himself would fail to take appropriate action under the terms of the amendment of the Senator from New York, which would mandate speedy action.

Mr. DONNELL. Mr. President, no one can determine with certainty what might be the action which would be taken by the President of the United States in a given set of facts. He might well have in mind that there was a possibility of a settlement of the dispute, and that at the moment it would be unwise to take the action to which the Senator from New York has referred. The President might feel that he should wait, in the hope and expectation that the dispute would be settled. Then there might be a repetition of the experience in the dispute in the railway industry, which, although that industry comes under the operation of the Railway Labor Act, nevertheless illustrates the point, in which case the President found, if not to his surprise, at least to his great discomfiture, that the industry would not respond to his own request and demand that the men cease and desist from striking.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. DONNELL. I yield.

Mr. HUMPHREY. I thought I understood the distinguished Senator from Missouri to say, a while ago, that he wants a basic law which will afford prompt and quick action in such situations. Did I correctly understand the Senator to say that?

Mr. DONNELL. Yes; I think we should have such a law.

Mr. HUMPHREY. Will the Senator state what kind of law he has in mind? There does not seem to be anything now before us or in the offing, except the proposition of the junior Senator from New York, which would provide for that.

Mr. DONNELL. Has the Senator from Minnesota read the Taft amendment?

Mr. HUMPHREY. Yes; I have read it several times. So far as I am able to understand, it provides for injunction and seizure. However, is there anything in the history of the United States to indicate that injunction and seizure have ever settled a dispute?

Mr. DONNELL. Mr. President, the Senator from Minnesota has constantly dwelt upon the matter of settlement of the dispute. However, that is not the question at issue here. The question at issue here is this: What is there to protect the interests of the public during the time when the dispute is not settled?

It is true that during the pendency of the injunction proceedings and the operation of the Conciliation Service all the other services of the Government and any or all private agencies may profitably work for the settlement of the dispute. It may be that in some instances the issuance of an injunction may deter a settlement, as the Senator from Minnesota has indicated. In other instances, however, the opposite may be the case. Although Mr. Ching pointed out some instances in which the injunction worked in the way to which the Senator from Minnesota has alluded, Mr. Ching also pointed out instances in which it worked the other way.

However, to my mind, the point involved is not whether the issuance of an injunction will cause the dispute to be settled, but whether, when the people of the United States are threatened with tremendous injury, involving the health and safety of the Nation and its people, we are to wait until someone with ill-defined powers shall act, or whether we shall provide some means of giving prompt relief to the people during a period in which the controversy may be studied, so that during the pendency of that period there may be further opportunity for an adjustment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. HUMPHREY. Does the Senator from Missouri feel that a national emergency will be alleviated or overcome by the use of the injunction? For instance, in the west coast longshoremen's strike, after the 80-day injunction period had expired, and after the full provisions of the Taft-Hartley Act had been complied with, for 95 days thereafter there was still a national emergency. What does the Senator from Missouri intend to do about such a situation?

Mr. DONNELL. I think I can state what I intend to do. If the view I take is taken by the Senate, I would say that we should include in the law an express provision by which some authority having power to enforce its decisions would have the right to prevent the instantaneous cessation of the operation of national enterprises, such as the coal industry, the cessation of which would or may adversely affect the health and safety of our people.

It may well be true, and I think it is, that all the plans thus far advanced are subject to objection, and that none of them is a panacea. In fact, nothing to the contrary is claimed, as I recall. The one offered by the Senator from Utah certainly is not a panacea. The one offered by the Senator from Illinois certainly is not a panacea. The one offered by the Senator from New York certainly is not a panacea. I may say that the one offered by the Senator from Ohio, to my mind, is not a panacea, although I think it has the virtue of certainty and definiteness and of vesting in some authority the right and power to act promptly in the interest of the public.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. HUMPHREY. Is not the purpose of the proposal of the Senator from Ohio

and the purpose of the proposal of the Senator from Illinois and the purpose of the proposal of the Senator from Utah to keep production going on and to keep the men on the job?

Mr. DONNELL. I think so.

Mr. HUMPHREY. Very well. With that as an agreed proposition between us, I ask the Senator this question: In view of the record of 23 years of experience with the National Railway Labor Act, under which men have stayed on the job during the cooling-off period, as compared to the record of 2 years of experience with the injunctive procedures under the Taft-Hartley Act, I ask the Senator, realizing the great sense of honor and integrity which he is known to possess, which one does he think has had the best record?

Mr. DONNELL. The best and most authoritative answer I can give is the one I have given several times thus far on the floor of the Senate, and it seems to me that at least on some of those occasions the Senator from Minnesota was in the Chamber: The Railway Mediation Board itself—for which, by the way, I have no hesitancy in expressing much of compliment and appreciation—after referring to the 172 peaceful settlements effected through mediation or arbitration in the period it was discussing, said:

> Peaceful settlements do not, however, make up for the instances in which stoppages occurred. It is not a good record, and it does not bode well for the future effectiveness of the Railway Labor Act.

Mr. President, that statement was not made 23 years ago; it was on November 1, 1948, that the letter of transmittal to Congress was issued.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. HUMPHREY. Is it not true, however, that we are discussing the proposition of national emergencies? To be sure, there may be minor work stoppages, but the issue now before us is the one involved in national emergencies. Considering all the proposals advanced and all the propositions before us in connection with our search for a means of definite settlement of such disputes, I ask the Senator from Missouri this question: Considering the Thomas amendment as it is, or with the restatement of it in accordance with the amendment of the junior Senator from New York [Mr. IVES], if there were a vital national emergency, something which shook our Nation to its very foundations, where does the Senator think the Nation should go? Should it go to the lawyers; should it go to the judges; should it go to the President; or should it go to the representatives of the American people in the Congress?

I think that is a fair question, deserving a complete answer.

Mr. DONNELL. I will answer the question. The answer as I see it, is that the President of the United States under conditions such as the Senator has so vividly and dramatically recited, should have the power to direct his law officer, the Attorney General, to apply to the courts for the preservation of the status quo for the protection of the public interest.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DONNELL. I yield to the Senator from Maryland.

Mr. TYDINGS. In appraising these various proposals and various work stoppages which affect the national health and safety, assuming that the amendment offered by the junior Senator from New York were adopted and that all remedies failed, and the matter finally came to the Congress for determination, which is the ultimate place of determination under the philosophy of the amendment of the Senator from New York, would the Senator from Missouri tell me in his judgment what he thinks the Congress might do by way of settling the dispute if the question finally came to the Congress? I am interested in his discussion and it seems to me we ought to know what the Congress could do and would be likely to do if nothing had worked out successfully up to that point, and the matter were finally dumped into what is known as the lap of the representatives of the people.

Mr. DONNELL. Mr. President, I think, of course, the Senator has asked a question that is impossible for anyone to answer with any degree of certainty. The psychological situation, the economic conditions, all the situations at the time would have to be examined and Congress then would have to use its own best judgment. It might well be that the Congress in its wisdom would say that the appropriate procedure would be to direct the President to take charge of the industry involved and to operate it for the benefit of the public of the United States. But again it might be that some other remedy would be more appropriate at the time. I cannot stand here today and look forward into each case, any more certainly than can the Senator from Maryland, and undertake to prophesy as to what would be the appropriate remedy by Congress in each case.

Mr. TYDINGS. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. DONNELL. I yield.

Mr. TYDINGS. In order that the Senator may understand what I am trying to develop, I should like to know from him, or, if the Senator from New York may be permitted to give me the answer, so that I may follow the argument between the Senator from Missouri and the Senator from New York, what three or four possible remedies might the Congress embrace as a means of settling the dispute? I know that the Congress could then pass an injunction act against the particular break-down. That would be one. It might seize the plant. That would be two. Those two proposals are already before us. What I am trying to get at is what Congress could do in addition to those two by way of possible remedies to bring the dispute to an end and to keep the service moving.

Mr. IVES. Mr. President, may I have an opportunity to answer the Senator from Maryland, without taking the Senator from Missouri off the floor? I ask unanimous consent that I may have that privilege.

Mr. DONNELL. I shall agree to that with the understanding that I do not lose the floor, and that I may also subsequently reply further to the Senator from Maryland.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York for unanimous consent? The Chair hears none, and the request is granted.

Mr. IVES. I thank the Senator from Missouri for his courtesy. I am very glad the able Senator from Maryland has raised that question, because it is a matter to which I gave some attention in my remarks earlier today, but which I did not go into in great detail. If the able Senator from Maryland was in the Chamber when I was speaking, he will have noted that I pointed out in general the procedure to be followed under the proposal I have offered. In effect, the whole procedure is stepped up. The emergency board has to report within a given time, 30 days. The President himself is obliged to act upon the report of the emergency board, or if the emergency board has not reported, whenever there is a cessation or stoppage of work, or if a stoppage of work had existed prior to that time and continues, he is required to act immediately. The emergency board itself in all probability would have recommendations to make in a situation of that kind. Definitely, the President himself, if the emergency board had been unable to make a report up until that time, would have some recommendation. These recommendations might vary in nature. The able Senator from Maryland has indicated two of them, seizure or injunction. There could be also compulsory arbitration. There might be even other remedies suggested, if we explored the matter very fully. But the point the Senator from New York wants to make is this, that whatever the recommendations might be, they would be applicable only to the immediate situation, and the legislation involved would apply only to that situation. They would not result in legislation of a permanent nature wherein we would have to have seizure or injunction automatically under certain circumstances.

To my mind, the plan the Senator from Missouri [Mr. DONNELL] is offering here, that of an injunction, is no solution in the final analysis. The distinguished Senator from Minnesota pointed that out, that it is not a final solution. It does not guarantee that the problem is to be solved. What happens after the period of the injunction is over? The strike continues; what happens then? Obviously it must be brought to the attention of the Congress. But under much more unfavorable circumstances than would exist under the plan offered by the Senator from New York. Under such circumstances feelings would have been stirred up, animosities would have been created which would be almost impossible to resolve. The feeling in the Congress would be far more intense than would be the case under the orderly procedure in the plan offered by the Senator from New York.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. DONNELL. I yield.

Mr. TYDINGS. I do not want to take the Senator off the floor, so I am addressing my question to him. I should like to say before putting the question that, after listening to the remarks of the Senator from New York, for whose point of view, particularly on labor matters as well as other matters, I have a great deal of respect, because I know he has studied the subject, I do not believe I have gotten very much of an answer to my question, because what is going through the minds of many of us here is this: Assuming we run the whole gamut of all these different steps, and the thing finally drops into the lap of Congress; there must then be some solution, if that is the place where the solution is ultimately to be found. I can think of two or three different things that might be done. I am asking the Senator from Missouri whether he knows of any solutions other than the two or three which have been mentioned, which might be applied by the Congress, if the Congress became the final arbiter?

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DONNELL. I yield to the Senator from Ohio.

Mr. TAFT. I remember one solution which did not suit me very well. In World War I, President Wilson, as Senators may remember, got Congress to pass a law, in the case of railroads, giving the men what they asked for, fixing their wages at the figure they asked.

Mr. TYDINGS. If the Senator from Missouri will yield to me, that would be another solution. But I may say to the Senator from New York, and I am sure to some extent, I will take the liberty of saying, I am reflecting the thoughts of the Senator from Missouri and of others on both sides of this question, that I think the Congress is entitled to know all the possible steps it might take, so that we can appraise the machinery which would be set up in the event we have to pass upon it. I do not think it is fair to say that if Congress were called into session to deal with it it would be assumed that Congress would take appropriate action. There might be a filibuster. There might be any number of things we could put on either side of the equation. So, as one who does not like the injunction, as one who does not like seizure, but as one who has the responsibility of legislating, I should like to ask the Senator from Missouri or the Senator from New York to tell me what the Congress could do, the whole gamut of the solution, in the event the Congress had finally to pass on it. I thank the Senator from Missouri for yielding, so that this aspect of the controversy may be developed.

Mr. DONNELL. I thank the Senator from Maryland for his question. It illustrates the difficulty of the situation. It fully demonstrates the fact that no one, so far, can look into the future, year after year, and answer all these questions in advance.

Mr. IVES. Mr. President, will the Senator yield?

Mr. DONNELL. In a moment.

I will say that the Senator from New York has pointed out a number of things that could be done, as has likewise the Senator from Ohio and the Senator from Maryland. I think I have myself mentioned one or two things in the course of the colloquy. There may be other things which could be done which none of us, at this moment, realize. Of course, we can all realize, when we talk about the Government's taking possession of property, that there may be more ways than one in which it can be done. I am not advocating one way or another. I do not think it is possible for us to sit here on this June afternoon in 1949 and say what should be done in January 1956, in the event that the coal mines, in the midst of the winter, should be shut down, or whether it would be necessary for the President to take charge of the coal mines, to put the employees back at work under some arrangement for wages, or under the then existing arrangement, or whether the military authority of the Government should be called in. All those are questions which would have to be determined at the time.

Mr. IVES. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. IVES. The Senator from New York appreciates the courtesy of the Senator from Missouri in yielding to him so often. I should like to ask the Senator a very simple question. The plan proposed by the Senator from Missouri, through the operation of the injunction, in itself is no solution. In itself and through its own operation it is only a stopgap affair. It does not provide an answer. The Senator from New York, in this particular instance, taking the coal situation, which has been referred to as very likely becoming the most serious situation with which we could be faced, would like to ask the Senator from Missouri if, after the operation of the plan he is proposing, under which an injunction would have been in operation for 60 days, or for such a period less than that as might be the case under the conditions—after that, if there were a work stoppage, and the situation became more and more critical, bearing in mind that the feelings of those participating would be constantly getting more on edge, what would the Senator from Missouri propose to do in a matter of that kind, which inevitably would land in the lap of the Congress?

Mr. DONNELL. In the first place, it is not inevitable that it will land in the lap of Congress.

Mr. IVES. Where will it go?

Mr. DONNELL. There have been situations which have been settled. Of course, the Senator from New York selects a situation in which everything has failed, and then asks where it will land. It will land, then, in Congress.

Mr. IVES. Mr. President, will the Senator yield further?

Mr. DONNELL. I yield.

Mr. IVES. The Senator from New York would like to ask the Senator from Missouri if he does not think we should explore all angles of the question.

Mr. DONNELL. Yes.

Mr. IVES. Unless we explore all angles we cannot handle the question realistically. Does not the Senator from Missouri [Mr. DONNELL] believe that the proposal offered by the Senator from New York——

Mr. DONNELL. Mr. President, I yielded for a question.

Mr. IVES. The Senator from New York is propounding a question. When all the angles are explored, does not the plan of the Senator from Missouri, in the final analysis, if it should break down, as it might very well do, resulting in a serious situation, offer to the country a far more dangerous problem than can possibly arise under the plan of the Senator from New York?

Mr. DONNELL. Now that the Senator has discussed the matter of exploration, I am certainly willing to explore the matter with him from A to Z, and on beyond, into the "and so forth." I am well aware of the fact that a temporary injunction for 60 days is no insurance that the dispute will be settled. I realize, also, that eminent authority, cited yesterday, pointed out that in some cases there had been a failure on the part of the mediators to secure an adjustment of differences during the pendency of an injunction, but I likewise remember very distinctly that it was pointed out that in other cases there had been a real contribution made by the injunctive process.

The Senator from New York asks what is going to happen when everything fails. If one of these plans fails, then where will it land?

Mr. IVES. I referred to the plan of the Senator from Missouri.

Mr. DONNELL. That is what I am talking about. The Senator is taking a situation in which he says an injunction has been brought and has failed to bring about a settlement of the dispute, and nothing will bring about the desired result. In the first place, he is assuming, of course, a situation which we all hope will never develop. It may develop. That is entirely possible.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. DONNELL. I shall not yield until I have finished my answer to the question which has been propounded. I would say, of course, if after an injunction is issued, if after the period has expired, if after every effort of mediation, arbitration, and all other remedies, there has been a complete failure to bring about a settlement, then someone must take hold of the matter and do the best he can. I suppose it would rest either in the lap of the President or in the lap of Congress. Personally, I am not prepared to admit that the President has an inherent power which would permit him to take the extreme action which has been suggested at times during the debate. To my mind, it is very likely true, and in my own judgment, it is true, that, sooner or later, in the extreme situation which has been indicated by the Senator from New York, it would come back to

Congress to exercise its own best judgment. But the Senator overlooks entirely, as I see it, the fact that he proposes, before the matter has come to any such situation as that, to have it submitted to Congress for settlement, and pending the time the country is experiencing economic paralysis and impairment of its safety and health, the Senator would have Congress take it up through the process of legislation, which, as I have indicated, might be either so rapid as to be unwise, or might be so slow, particularly in our own body, as would prevent the remedy from being properly effective. I say it is unwise, until after the plan has been adopted which I suggest, which would give instantly to Congress, during the pendency of the injunction, for 60 days or whatever the period might be, the right, the power, and the ability to be considering what should be done. I say our plan is far preferable to one in which the whole problem is thrust instantaneously on the Congress, with the results which I have indicated as very likely to occur.

I yield to the Senator from New York.

Mr. IVES. The Senator from New York would understand from the Senator from Missouri that he feels, in the case cited by the Senator from New York, that the Senator from New York rather exaggerated the conditions which the Senator from New York thought he had described earlier to the Senator from Missouri. The Senator from New York was trying to point out the dire consequences which might ensue from a stoppage of work in the coal industry. What I should like to ask the Senator from Missouri is whether the Senator from Missouri does not recognize the great psychological force which is inherent in the proposition of the Senator from New York? Does the Senator from Missouri think for one moment that labor organizations are going to call a stoppage of work, faced as the employees would inevitably be, with the type of procedure apparent in the plan of the Senator from New York?

Mr. DONNELL. Mr. President, the question is susceptible of answer, and I shall attempt to answer it.

Mr. IVES. It is a question.

Mr. DONNELL. It is a question, and I shall answer it to the best of my ability.

In my judgment, a labor union might well prefer to go ahead with the strike, faced with the uncertainty of what the 531 men in Congress might determine, after an indeterminate period of debate, during the pendency of which the strike would be proceeding. A labor union might well prefer to take its chances in that situation, carrying on the strike in the meantime, than to take its chances under a statute which said that it could be enjoined by a court from continuing the strike.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. DONNELL. I yield.

Mr. HUMPHREY. I should like to ask if again we are privileged to get one of these prophetic views? Is it not true that the one experience we have had, when the President made an effort to refer something to Congress, as would be done under the amendment of the Senator from New York, was in the railway strike of 1946, and before the President had gotten through with his message, the dispute had been settled?

Mr. DONNELL. As a matter of fact, it has been brought out on the floor of the Senate that the settlement of the dispute occurred, I shall not say prior to, but substantially simultaneously with the issuance of the President's remarks upon the rostrum of the House of Representatives before the joint session of the two Houses. But I also point out the further fact that while that happened in that case, in the case which I cited respecting the Railway Mediation Board, all the honest and sincere efforts of the President failed, and it was only an injunction which ultimately resulted in the cessation of the strike.

Let me point out the further fact that while on one occasion I remember very well the House of Representatives, acceding to the request of the President, passed in a very few moments a bill following precisely what the President desired, when it came to the Senate, we took a directly contrary view, which illustrates, I think, very clearly and conclusively, that the remedy of action by Congress is by no means as simple as it may seem at first glance.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. HUMPHREY. I think the real question that is being posed by the counterproposition of the Senator from New York as to the proposal of the Senator from Ohio and the Senator from Missouri is, Which of these two proposals would afford the least amount of opportunity for the Federal Government to stick its hand in to settle what are commonly called nowadays national emergencies? That leads me to the question, how has it happened that we did not seem to have so many national emergencies before we put the title "National Emergency" into the Taft-Hartley Act?

Mr. DONNELL. Until the Taft-Hartley Act was passed we did not have adequate protection against public emergencies. Let me say, further, that the President of the United States realized, after the Taft-Hartley Act had been passed, that there was provision in that act for the protection of our public against these national emergencies. Will the Senator here this afternoon undertake to say on the floor of the Senate that in his opinion the coal strike, that the atomic energy strike, that the longshoremen's strike, and the other strikes which were mentioned, to which he has referred, were not national emergencies of grave prospective consequences?

Mr. HUMPHREY. Indeed, the junior Senator from Minnesota will undertake to say just exactly that.

Mr. DONNELL. If the Senator says that, let me say that differs precisely and exactly from the President of the United States, who acted on the theory that they were national emergencies, and caused his Attorney General to secure from courts injunctions, which courts found should be issued because the courts, after hearing the presentation of the facts, determined that national emergencies imperiling the health and safety of the public existed. So, if the Senator desires to place his opinion in the RECORD, of course I am sure we all are happy to have it, but it is contrary to that evidenced by the official action of the President of the United States and the courts.

Mr. HUMPHREY. I feel that it is about time that we defined the concept of national emergency. The distinguished Senator from Missouri refers to the longshoremen's strike. Yet, after all the provisions of the national emergency proceedings of the Taft-Hartley law had been used, there were 95 days more of the strike. In regard to the atomic energy plant at Oak Ridge, the distinguished Senator refers to a national emergency which must mean that the life of this Nation was being imperiled. Yet the whole 80-day period of the injunction expired and no settlement was reached, and here we are. What has happened? What is wrong with this Nation today?

Mr. DONNELL. With regard to the atomic energy strike, I daresay there is not a man on the floor of the Senate who would undertake to say how grave the injury to our country was by reason of that strike. I do not know, and the Senator from Minnesota does not know. But I do know that, as I recited in the RECORD this afternoon—and I referred to the statement of a reliable authority—work stoppage at any one of the several places in the atomic-energy program for any period of time comparable to the time usually consumed by work stoppages would be very devastating to our national defense.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. TAFT. Has it occurred to the Senator that, after all, after we have granted the injunctive power, the President does not have to use it? The President of the United States has explicitly decided some five times since the act was passed that it was in the public interest for him to have an injunction, and that it was in the public interest for him to ask a court to grant an injunction. That was his judgment, and the judgment of the labor-management people, and presumably of the Secretary of Labor. It was his judgment that that was better than not to do anything, or call Congress, which is the action suggested by the distinguished Senator from Minnesota and the distinguished Senator from New York.

Mr. DONNELL. Mr. President, I point out further, as indicated a few minutes ago, that the President acts on receiving a report from a board of the Government, and then though, as the Senator from Ohio says, it is not mandatory, he may ask the Attorney General to petition the district court. In each of the cases to which reference has been made the district court found, first, that there was, quoting from the Taft-Hartley law, "a threatened or actual strike or lockout affecting an entire industry or a sub-

stantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce," and, second, that "if permitted to occur or to continue," it would "imperil the national health or safety."

The court did not have jurisdiction to issue the injunction until it made those findings. The very fact that it issued the injunction is conclusive of the fact that it found those conditions to exist.

Mr. HUMPHREY. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. HUMPHREY. Of course, the distinguished Senator from Missouri realizes that there does not seem to be the same point of view in respect to the universal knowledge of the courts in these disputes, that is, my point of view does not go quite so far as that of the distinguished Senator from Missouri.

I should like to point out that the distinguished Senator from Ohio has cited exactly what I think is the weakness in his own amendment, in that he offers to the President the choice of either injunction or seizure, which is the bait which gets the President to use it any time he wants to do so after the emergency board reports.

Mr. TAFT. The President is not a fish. He is not aking for bait. I do not understand what the Senator means.

Mr. HUMPHREY. May I reply to the distinguished Senator——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. DONNELL. I yield for a question. I understand that is my privilege.

Mr. HUMPHREY. I appreciate the great courtesy which has been extended me by the Senator from Missouri, and I also appreciate the interruption of the Senator from Ohio, who seems to have a more acute knowledge of the propensities of the President than does the junior Senator from Minnesota.

In view of what the Senator from Ohio has said as to the fact that the President has applied the remedy of injunction, and that he applied it after the Taft-Hartley Act was passed but did not apply it before, why then does the Senator from Missouri insist that that is the kind of a provision which should be included in a new labor-management law?

Mr. DONNELL. In the first place, Mr. President, we are starting all over again on the question as to the power of the President. The Senator says, Why did the President not apply it before the Taft-Hartley Act went into effect? I say, first, there was no statute which authorized him to do so.

Mr. HUMPHREY. Will the Senator yield?

Mr. DONNELL. Not for a moment. I wish to answer the question first.

I do not intend to burden the Senate or, I trust, myself, by again arguing the question of the power of the President, but there is an opinion on one side that the President has the power, there is an opinion on the other that he has not. The President himself, however, apparently did not think he had the power. Otherwise why would he have come to Congress and asked for a statute to be passed authorizing him to draft men to operate industry?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. HUMPHREY. Is not that the very reason why the provisions of the Thomas bill, as refined, or, let me say, as amended, by the distinguished Senator from New York, clarify the situation? Here we have the situation where some people argue that the President has the power, whereas others argue he does not have the power. The Senator from Missouri has said that apparently the President did not think he had the power. So the junior Senator from New York has said, "All right, in these great disputes involving national emergency, where the Nation's health and welfare are under dire stress, we will do—what? "Rather than to have it in the no man's land of indefiniteness we will come to the Congress of the United States for an explicit ruling by the Congress in a particular case."

Does the Senator from Missouri feel that that is an unusual procedure, in view of representative Government traditions?

Mr. DONNELL. Mr. President, I cannot understand how the Senator from Minnesota would think that if we have a statute providing that the President shall have the power to direct his Attorney General to apply for an injunction, and that upon a certain finding the courts shall have jurisdiction to issue the injunction, there is a no man's land of indefiniteness left. To my mind, while I do not want to quibble over language, a vagueness and indeterminateness exists in the Thomas bill today, and it is illustrated by the divergent views of men who honestly believe one way and by others who believe the other way.

My distinguished colleague from Oregon [Mr. MORSE], at whose desk for the moment I stand—it is next to my own, and I may have violated the rule by standing 2 feet over—has presented most vigorously the view on this very floor that the President does not possess the power. My distinguished friend from Utah [Mr. THOMAS] has learnedly argued that he does. I say that a bill which repeals an act which says the President shall have the power, and does not put in anything that says whether he shall or shall not possess the power, leaves the matter in a no man's land of indefiniteness.

Mr. IVES and Mr. HUMPHREY addressed the Chair.

Mr. DONNELL. Mr. President, I see myself approached from both sides, though not by the Senator from Illinois [Mr. DOUGLAS], whose approach to another Senator was referred to by the Senator from Ohio earlier today. The Senator from Illinois is not present. I yield to the Senator from New York.

Mr. IVES. Mr. President, the Senator from New York understood the able Senator from Missouri to state that he construed all of the so-called national emergencies proclaimed by the President since the enactment of the Taft-Hartley Act, to have been properly national emergencies because of action taken by the Court in each particular instance. I believe he read one of the Court's opinions pointing that out.

The question the Senator from New York would like to ask of the able Senator from Missouri is this: If the President should proclaim a national emergency of the character referred to, and then having requested, because of the conditions which might arise under such circumstances, the Attorney General to obtain an injunction, an injunction of the character under consideration, can the able Senator from Missouri imagine a court refusing to go along on such request?

Mr. DONNELL. I certainly can.

Mr. IVES. What would happen?

Mr. DONNELL. The court might decline to issue the injunction.

I want to say I am very glad the Senator from New York asked that question. I am glad at this moment to say a word about the courts. We have been told here this afternoon by the Senator from Utah that a bad name cannot be lived down. I do not think the Senator applied that to the courts. I do not recall that he did. But he has applied it, I judge, to the injunctive process.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. THOMAS of Utah. I wish to say that I should have used another phrase, with respect to what may be in the minds of industry so far as seizure is concerned. In industry a bad name cannot be lived down. Seizure is what we might call a naughty word to industry. Injunction is a very naughty word to labor. And in either case they suffer from the one or the other.

Mr. DONNELL. Mr. President, the Senator from Utah is so courteous and gentlemanly I know he meant no disrespect to the courts by what he said. He did, however, say, in substance, as I understood him, that he was applying his remarks to the injunctive process which was issued by a court, and that in that connection a bad name cannot be lived down. I take it that what he meant was that labor has achieved a dislike, indeed, a positive hatred, for the injunctive process. The Senator from Utah nods his head, by which I gather that he means that I am correct in my interpretation of his remarks.

The Senator from Utah also referred to the tyranny of someone. Those are the words I have written down. I do not know to whom he refers as the tyrant; but I want to say that the courts are, of course, composed of human beings. Courts have, of course, made errors. I dare say that in the volume which I have in my hand, if I were to turn through it rapidly, I would find that the Supreme Court has reversed some of the decisions of the lower courts, which would indicate very clearly that error can occur, or at least that difference of opinion can occur.

Mr. President, I want to say a word with regard to the injunctive process and with regard to the courts. I have no doubt that there have been abuses

of the injunctive process. I do not know by what courts. I remember a very glaring illustration offered by the Senator from West Virginia [Mr. NEELY] whom I do not see on the floor at this moment, but who was present earlier today. He pointed out certain strong, vigorous language which sounded to me as if it amounted to a breach of judicial propriety, language expressed by a court some years ago, I think in his own State. I am glad, as I know every Member of the Senate is, that the number of impeachments of judges has been very small in the course of the century and one-half or more of the existence of our judiciary.

I express the view, however, first, that the courts, generally speaking, are honest. I express the further opinion that, generally speaking, the courts are capable. I believe the fact that appointment to our Federal courts is required to be made by the President, that the appointment is then submitted to the Committee on the Judiciary of the Senate, that we very frequently have hearings upon the subject matter of the man who is appointed, and that the confirmation of his nomination then comes before this very body for consideration—all that tends to build up in my mind the confidence I have in the courts.

I realize that in recent years there have been many criticisms made of even the highest court in the land. There may be lawyers and laymen alike who disagree even with some of the courts' economic views—for today it appears that courts sometimes indulge in economic theories as well as legal theories. To my mind there has been a very fine devotion on the part of the judiciary, both Federal and State, as a general proposition, to the higher principles of integrity and professional honor.

Mr. President, I do not want to take much more of the time of the Senate. I had no idea I would be on my feet so long as I have been. I want to say a word in regard to the injunctive process contained in the Taft amendment. I should say, in orderly sequence, that I have tried to consider first the Thomas bill in its provisions with regard to national emergencies, which, as I see it, are utterly ineffective. I have tried to consider the provisions of the Douglas amendment which to my mind are equally—perhaps I should not say equally—but certainly they are in my judgment ineffective.

With all due deference to my distinguished friend who has such fine knowledge of labor matters and has rendered such excellent service in the Senate along those lines, the Senator from New York [Mr. IVES], I find myself in disagreement with his amendment.

I desire to mention very briefly the amendment of the Senator from Ohio and his associates who have joined in sponsoring it. I see now upon the floor of the Senate my close friend and seatmate, the Senator from Oregon [Mr. MORSE], who is now sitting on the other side of the Chamber. I am sorry he is on that side of the Chamber at the moment. I have not acquainted myself with the contents of his proposal as to the solution of this difficulty, except in a very vague and general way. I shall give consideration to his plan. But at this moment I am expressing myself only with respect to the Thomas plan, the Douglas-Aiken plan, the Ives plan, and, finally, the Taft plan. I shall make my discussion very brief with respect to the Taft plan. Generally speaking, I have indicated my view with respect to it—at least with respect to the injunctive process.

In the first place, I wish to reiterate the point which was made so emphatically and clearly by the Senator from Ohio [Mr. TAFT] a day or so ago, that there is no reason why labor should be so apprehensive about the courts. I do not think he used that word, but he stated that there was no reason why labor should regard the courts as a portion of the Government which should have nothing to do with labor. To my mind the courts of our country are established by our constitutional and statutory system for the purpose of doing justice to every class of citizens, and to every individual citizen—to the public as a whole, to management, and to labor.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DONNELL. I should like to draw my remarks to a close, but I yield.

Mr. HUMPHREY. This is a clarifying question. Let me preface it by making a statement to the Senator. It is a question the answer to which will be very helpful.

No one wishes to impugn the integrity of our courts. I do not believe that any sincere American would want to say that the Judiciary of the country has ever been anything else but highly honorable and respectable. But the issue is not the matter of the judicial process. The issue, as the distinguished Senator from Missouri knows, is the issue of a temporary injunction, which does not mean a full hearing, which does not mean the fulfillment of the judicial process. I think it is begging and distorting the question to indicate on the floor of the Senate that labor or anyone else is in any way doubting the honesty and integrity of the courts, merely because some of us feel that the injunctive process has been unfair. Is it not true that the injunctive process is not a full judicial process? An injunction is obtained upon a showing of evidence. It does not mean a full judicial decision on the part of the court. An injunction could be obtained, for example, as in the Wilkerson case in 1922, when the Attorney General of the United States merely saw the judge for a period of 5 minutes——

The PRESIDING OFFICER. Is the Senator propounding a question?

Mr. HUMPHREY. I ask the Senator from Missouri whether or not the injunctive process can be considered a decision on the part of the courts.

Mr. DONNELL. I answer in the affirmative. Under the language of section 304 (a) of the Taft amendment it is provided that the President may direct the Attorney General to petition any district court to enjoin the strike. Then what is the provision about the court? How can the court make a finding? It makes a finding from evidence.

> And if the court finds that such threatened or actual strike or lock-out—
>
> (i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and
>
> (ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out.

The court was able to do it in the coal case, the case to which we have referred several times, and which, I wish to make perfectly clear, is not the one under the Taft-Hartley Act. In that case the court found as a fact that—

> Mines furnishing the major part of the Nation's bituminous coal production were idle.

Then it made the finding which I have cited several times, about the economic paralysis rapidly extending itself over the country.

I am very pleased to note that the Senator from Minnesota has expressed himself as he has with respect to the courts. I have heard no intimation from any Senator on the floor of the Senate that he regards the courts as dishonorable; but I have heard much indication on the floor of the Senate that the courts are not qualified by training or experience to handle matters of this sort. I see no reason why a trained legal mind cannot handle justly a labor dispute just as well as it can handle a dispute upon a promissory note, or the question of the construction of a will, or any one of the other great legal problems which are constantly being presented to the courts. In my judgment, any court must, of course, devote skill and study to any problem which comes before it. To my mind, the courts have the training to enable them to distinguish between facts, and to make findings of fact. They are equipped to make such findings by reason of their training and study.

In the second place, the injunctive process is immediate. I do not mean by that that the bill of complaint is filed and the injunction issued instantly. We have had plenty of illustrations in the testimony in this case showing that various periods of time were occupied by the courts in hearing the evidence.

The point I wish to make is that the court can act with promptness and dispatch, and without the difficulty of consulting 531 minds in order to arrive at a solution. To my mind, the Taft-Hartley Act was wise in its provisions. I believe that the amendment which has been offered by the Senator from Ohio [Mr. TAFT] is also wise.

Finally, and very briefly, on the question of seizure the Taft amendment provides for the option on the part of the court to grant seizure, or seizure and injunction. I have been very doubtful on the question of seizure. Perhaps Senators have noted that, appended to

the minority views, on page 91, is this note above my name:

My concurrence in the above minority views is subject to the fact that (a) I make no commitment in favor of either (1) the grant, in a general statute, to a court of the power to authorize seizure, and subsequent operation, by the President of an industry in case of threatened or actual strike or lock-out or (2) a requirement of the emergency board that it make recommendations; and I reserve the right to act upon such grant and requirement in such manner as, after further study, I shall deem proper and (b) I may conclude to present an amendment providing for appointment by the President, with confirmation by the Senate, of a general counsel, defining his duties and powers with possibly some limitation, not found in the Taft-Hartley law, as to said powers.

FORREST C. DONNELL.

On the question of seizure, I do not pretend to be an expert in any respect. It is a difficult problem for me. I have considered whether or not I should support the amendment offered by the Senator from Ohio and his associates, of whom I am one. I am sure that he will recall that when I joined in the amendment I distinctly told him, in substance, that I was reserving the right, should I conclude that I wanted to oppose seizure, to do so without involving any inconsistency in my action.

I have considered the question. To my mind certain safeguards are thrown around the seizure. I am not certain whether they are sufficient. I am of the opinion that they constitute the best provisions which are before us for present consideration.

In the first place, no outright power of seizure is vested in the President by the Taft amendment. If he has any independent power, that is another matter; but so far as the Taft amendment is concerned, what he has power to do is to cause the request to be made of the court for authority to take immediate possession and to operate the industry. In order to grant this relief, the court is required to make the findings to which I have previously referred, and which I shall not reiterate.

We have before us a very interesting situation—interesting from an economic, legal, and legislative standpoint. We have the Thomas amendment, the Douglas-Aiken amendment, the Ives amendment, and the Taft amendment. I have tried to indicate my views as to why I favor the Taft amendment, of the four. I believe that it should be adopted, with due consideration for the welfare of our Nation.

Mr. LUCAS. Mr. President, will the Senator yield for a brief question?

Mr. DONNELL. I yield.

Mr. LUCAS. On page 57 of the Taft substitute, with which the Senator from Missouri has associated himself, section 207 read as follows:

SEC. 207. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

In view of the very vigorous argument which the Senator has made in behalf of injunction, why was it that the employees under the Railway Labor Act were exempted from the injunction procedure?

Mr. DONNELL. I am unable to give the Senator an answer historically. I may say that, in view of the point made in the Mediation Board report, I think the Railway Labor Act should be reexamined by the Congress with a view to determining whether or not it should be amended. I think it has been the general view of the Senate and of the entire Congress in the past that railway labor should be dealt with in a separate category, as compared with other labor. That course was determined upon in connection with the Taft-Hartley Act, and to my mind it is advisable for us to continue that differentiation, although, particularly in view of what I have read from the Mediation Board's report, I believe there should be further study and consideration of whether there should be an amendment of the Railway Labor Act.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. LUCAS. I think the Senator will agree with me that if the transportation system of the Nation were paralyzed, the health and safety of the Nation would be imperiled.

Mr. DONNELL. I do.

Mr. LUCAS. It is perhaps the No. 1 example of an industry in which a complete strike and tie-up, causing a transportation paralysis, would result in a national emergency. However, notwithstanding that fact, the Taft-Hartley Act, as enacted 2 years ago, and the present Taft amendment exempt employees who come under the Railway Labor Act. I am curious about that exemption.

I wish to state that I am opposed to the exercise of the injunctive power, and I will not vote for its application at all. However, if in the view of various other Senators the injunction is as important as it has so vigorously been stated to be by the Senator from Missouri during the debate this afternoon, I wonder why railway labor is excluded from the provisions of either the Taft-Hartley Act or the Taft amendment.

Mr. DONNELL. Mr. President, it is not only with respect to the injunctive features that the Taft-Hartley Act or the Taft amendment do not apply to railway labor. As I recall, the provisions of that act do not apply at all to railway labor.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. TAFT. Two years ago, at the time of the enactment of the Taft-Hartley Act, the Railway Mediation Act was in existence. We did not undertake to deal with it at all; we left it entirely alone.

We must also consider the fact that there is still on the statute books a law, passed during the World War, giving the President the power to seize the railroads. Only recently—within a year—the President seized the railroads, under that act, and obtained an injunction. I do not know whether he had a right to get the injunction, but it was granted. In the case of the second railroad strike, as the Senator may remember——

Mr. LUCAS. Yes, I remember.

Mr. TAFT. In that case, in which Alvanley Johnston and Mr. Robertson were involved, Judge Goldsborough issued an injunction. I always had doubt about his right to issue it. Nevertheless, under the railroad case, the President has the power of seizure and the power of injunction.

I agree with the Senator that I think we probably should reexamine the whole Railway Mediation Act. As a matter of fact, in the year 1948 the joint committee appointed under the Taft-Hartley Act held hearings on that question.

However, this year we did not wish to make a change in the Taft-Hartley Act so as to extend it to fields it did not already cover. We felt we would have difficulty enough in preserving that act as it is, without attempting to extend it to new fields.

Mr. LUCAS. I agree as to that.

As I have said, I am definitely opposed to the application of the injunctive power, as proposed by the Taft amendment. But in view of the injunctive procedure provisions on the statute books at the present time, it seems to me that since there is so much concern on the part of some Senators about the application of the injunctive process, and since all of us know that if the transportation system of the United States were paralyzed by strike, the national health and safety would be imperiled—in fact, perhaps more so than by any other strike action I can think of—if Senators really wish to have the injunctive power applied to important cases, I do not see why the railroad employees should be exempted. It seems to me that the entire field should be covered, in such case, rather than to omit a single group.

In the debate there has been much reference to the mine workers and to the mine cases. Of course, it is unquestionably true that those cases brought the issue to the fore. On the other hand, the railway workers have gotten along very well for a number of years under the Railway Labor Act, and perhaps that is the reason for exempting them in this case. If, however, I were as interested as are the Senator from Missouri and the Senator from Ohio in injunctions and the necessity for them in the case of national emergencies, I would try to do a complete job and have injunctions apply to the entire field, rather than to do a piecemeal job.

Mr. DONNELL. Mr. President, I yield the floor.

RECESS

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 36 minutes p. m.) the Senate took a recess until Monday, June 20, 1949, at 12 o'clock meridian.